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United Nations

Report of the Human Rights Council

Thirty-sixth session
(11-29 September 2017)

General Assembly

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Seventy-second Session
Supplement No. 53 A (A/72/53/Add.1)

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I. Introduction

1. The Human Rights Council held its thirty-sixth session from 11 to 29 September 2017.

2. The report of the Human Rights Council on its thirty-sixth session will be issued in document A/HRC/36/2.

II. Resolutions brought to the attention of the General Assembly for its consideration and possible action

36/19. Renewal of the mandate of the Commission of Inquiry on Burundi

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolution 5/1 of 18 June 2007,

Recalling further Human Rights Council resolutions 30/27 of 2 October 2015, S-24/1 of 17 December 2015 and 33/24 of 30 September 2016,

1. *Expresses concern* about the findings of the Commission of Inquiry on Burundi;

2. *Requests* the Commission of Inquiry on Burundi to present its report,[1] including any necessary follow-up action, to the General Assembly at its seventy-second session;

3. *Recommends* that the General Assembly submit the report of the Commission of Inquiry on Burundi to all relevant United Nations bodies for consideration and appropriate action;

4. *Decides* to extend for a period of one year the mandate of the Commission of Inquiry on Burundi, and requests the Commission to present an oral briefing to the Human Rights Council at its thirty-seventh and thirty-eighth sessions, and a final report during an interactive dialogue at its thirty-ninth session and at the seventy-third session of the General Assembly;

5. *Urges* the Government of Burundi to cooperate fully with the Commission of Inquiry on Burundi, to authorize it to conduct visits to the country and to provide it with all the information necessary to fulfil its mandate;

6. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide all the resources necessary to the Commission of Inquiry on Burundi to allow it to fulfil its mandate;

7. *Decides* to remain seized of the matter.

40th meeting
29 September 2017

[Adopted by a recorded vote of 22 to 11, with 14 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Brazil, Croatia, El Salvador, Georgia, Germany, Hungary, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), Burundi, China, Congo, Cuba, Egypt, Ghana, Saudi Arabia, South Africa, United Arab Emirates, Venezuela (Bolivarian Republic of)

[1] A/HRC/36/54.

Abstaining:

Bangladesh, Côte d'Ivoire, Ecuador, Ethiopia, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Nigeria, Philippines, Qatar, Togo, Tunisia]

III. Resolutions

36/1. Composition of staff of the Office of the United Nations High Commissioner for Human Rights

The Human Rights Council,

Recalling paragraph 5 (*g*) of General Assembly resolution 60/251 of 15 March 2006, in which the Assembly decided that the Human Rights Council should assume the role and responsibilities of the Commission on Human Rights relating to the work of the Office of the United Nations High Commissioner for Human Rights, as decided by the Assembly in its resolution 48/141 of 20 December 1993,

Taking note of all relevant resolutions on this issue adopted by the General Assembly, the Commission on Human Rights and the Human Rights Council,

Bearing in mind that an imbalance in the composition of the staff could diminish the effectiveness of the work of the Office of the High Commissioner if it is perceived to be culturally biased and unrepresentative of the United Nations as a whole,

Reaffirming the importance of continuing ongoing efforts to address the imbalance regarding the regional representation of the staff of the Office of the High Commissioner, most notably in senior management positions,

Noting with concern that the dependence of the Office of the High Commissioner on extrabudgetary resources is at the heart of the imbalance in the composition of its staff,

Underlining that the paramount consideration for employing staff at every level is the need for the highest standards of efficiency, competence and integrity, taking into account Article 101, paragraph 3 of the Charter of the United Nations, and expressing its conviction that this objective is compatible with the principle of equitable geographical distribution,

Recognizing that the Fifth Committee is the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters,

1. *Expresses concern* at the imbalance in the geographical representation in the composition of the Office of the United Nations High Commissioner for Human Rights;

2. *Expresses serious concern* at the continuous prominent imbalance in the geographical representation of senior management personnel of the Office of the High Commissioner;

3. *Requests* the High Commissioner, within his administrative responsibilities, to redouble his efforts with a view to redress the current imbalance in the geographical composition of the staff of the Office, paying particularly attention to the senior management level and the posts not subject to geographical distribution;

4. *Welcomes* the decision to continue to pay special attention to the achievement of a gender balance in the composition of the staff;

5. *Underlines* the importance of continuing to promote geographical diversity in recruitment and promotion in the Professional category and, in particular, in senior management positions as a principle of the staffing policies of the Office of the High Commissioner;

6. *Recognizes* that efforts to achieve savings and the efficient utilization of resources should not adversely affect the full implementation of mandated programmes and activities and the measures taken for improving the geographical composition of the staff;

7. *Reaffirms* the vital importance of geographical balance in the composition of the staff of the Office of the High Commissioner, taking into account the significance of national and regional specificities and various historic, cultural and religious backgrounds and of different political, economic and legal systems to the promotion and protection of the universality of human rights;

8. *Recalls* the provisions contained in section IX, paragraph 2 of General Assembly resolution 63/250 of 24 December 2008, on human resources management, in

which the Assembly requested the Secretary-General to ensure as wide a geographical distribution of staff as possible in all departments, offices and levels, including the Director level and higher levels, of the Secretariat;

9. *Underlines* the priority importance with which the General Assembly should continue to provide support and guidance to the High Commissioner in the ongoing process of improving the geographical balance in the composition of the staff of the Office of the High Commissioner;

10. *Stresses* that extrabudgetary resources, in particular when they are related to the establishment of new posts, shall be used in a manner consistent with the mandates, programmes and activities of the Organization, including the principle of equitable geographical distribution of the staff, and in compliance with the existing budgetary rules and regulations;

11. *Requests* the High Commissioner to continue to improve his interaction with Member States, including within the framework of President's statements PRST/15/2 of 1 October 2010, PRST/18/2 of 30 September 2011 and PRST/19/1 of 22 March 2012, and giving particular attention to the composition of the staff;

12. *Also requests* the High Commissioner to submit a report to the Human Rights Council at its thirty-ninth session on the geographical composition of the staff of the Office of the High Commissioner and the actions taken within the current staff selection system to achieve an equitable geographical representation of the Office, as requested by the Council in the present and past resolutions;

13. *Decides* to remain seized of the matter.

39th meeting
28 September 2017

[Adopted by a recorded vote of 31 to 15, with 1 abstention. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania,* Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Togo]

36/2. Mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

* The delegation of Albania subsequently informed the Human Rights Council secretariat that it had intended to abstain.

Recalling further its resolutions 30/27 of 2 October 2015, S-24/1 of 17 December 2015 and 33/24 of 30 September 2016,

Reaffirming that States have the primary responsibility for the promotion and protection of all human rights and fundamental freedoms,

Stressing the primary responsibility of the Government of Burundi for ensuring security in its territory and protecting its population, conducting inquiries into human rights violations and bringing those responsible for such violations to justice, with respect for the rule of law, human rights and international humanitarian law, as applicable,

Reaffirming its strong commitment to the sovereignty, political independence, territorial integrity and unity of Burundi,

Reaffirming also the Arusha Peace and Reconciliation Agreement for Burundi, which has been the basis for the Constitution of Burundi and provides the foundation for peacebuilding, national reconciliation and the strengthening of democracy and the rule of law,

Bearing in mind that the international community, including the Human Rights Council, can play an important role in preventing human rights violations and abuses and mitigating the risk of escalation of conflicts,

Mindful of the importance of the prevention of human rights violations and abuses in Burundi, especially in the context of past mass atrocities in the region,

Welcoming the launch of the inter-Burundian dialogue process and the progress achieved, in a genuine and open manner, based on respect for the Constitution and the Arusha Agreement, and welcoming the political dialogue for Burundi under the auspices of the Facilitator of the East African Community, the former President of the United Republic of Tanzania, Benjamin William Mkapa, and with the mediation of the President of Uganda, Yoweri Museveni, and the report of the Facilitator adopted on 20 May 2017 in Dar es Salaam at the Summit of Heads of State of the East African Community,

Noting with appreciation the efforts made by the international community to find a peaceful solution to the crisis facing Burundi, including those of the United Nations, the African Union and the East African Community, and the improvement of the political and security situation in Burundi,

Noting with interest the efforts of the Government of Burundi to combat impunity and strengthen the rule of law, including the adoption of the law on combating gender-based violence and the law on the protection of victims and witnesses, the establishment of the National Observatory for the Prevention and Eradication of the Crime of Genocide, War Crimes and Crimes against Humanity and the National Council for National Unity and Reconciliation, and the reform of the security and justice sector in accordance with the Arusha Agreement,

Commending the assistance for the return of refugees provided by host countries and the Office of the United Nations High Commissioner for Refugees,

Taking note of the report of the Secretary-General on Burundi of 23 February 2017,[2]

Deploring the suspension of cooperation between the Government of Burundi and the United Nations High Commissioner for Human Rights, and calling upon the Government to accelerate the ongoing process of dialogue with a view to resuming such cooperation in an environment of mutual trust,

Taking note of the work of the Commission of Inquiry on Burundi and its report,[3] and expressing its concern about the lack of cooperation between the Government of Burundi and the Commission, including the denial of entry into the territory,

Reaffirming the commitment of the States members of the Human Rights Council to cooperate with international human rights mechanisms,

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[2] S/2017/165.

[3] A/HRC/36/54.

1. *Expresses its concern* over the continuing challenges regarding the situation of human rights in Burundi, including economic, social and cultural rights;

2. *Strongly condemns* all human rights violations and abuses committed in Burundi, whoever the perpetrators may be;

3. *Takes note* of the allegations that a significant number of violations and abuses were committed by the Burundian security forces, including the national intelligence service and the Imbonerakure, and calls upon the Government of Burundi to continue and intensify its efforts to combat impunity by conducting thorough, independent and impartial investigations of alleged perpetrators of such violations and abuses;

4. *Expresses concern* over the deregistration and suspension of a number of civil society organizations in Burundi and the working conditions of Burundian human rights defenders, some of whom are in exile;

5. *Urges* the Government of Burundi to put an immediate end to human rights violations and abuses, including arbitrary detention and restrictions on the work of human rights defenders and the media, and calls upon them to work in accordance with the law;

6. *Strongly condemns* all public statements and slogans coming from inside or outside the country that incite violence or hatred towards different groups in Burundian society;

7. *Welcomes* the public condemnation of such slogans by officers of the Conseil national pour la défense de la démocratie — Forces pour la défense de la démocratie, and calls upon the Government of Burundi and other parties to refrain from any statements or actions that could exacerbate tensions and incite violence, including gender-based violence, to publicly condemn such statements and actions and ensure that all those responsible are held accountable in order to take into account the best interests of the country and to respect fully the letter and spirit of the Constitution of Burundi and the Arusha Agreement, a backbone for peace and democracy;

8. *Calls upon* the Government of Burundi to safeguard and protect the population, with full respect for international law, to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, to adhere to the rule of law and to establish transparent accountability for acts of violence;

9. *Calls anew upon* the Burundian authorities to conduct thorough and independent investigations of crimes involving serious violations and abuses of human rights so that all perpetrators, regardless of their affiliation, are held accountable before the law;

10. *Notes with satisfaction* the decision of the Government of Burundi to restore its full cooperation with the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights, including by extending full cooperation to its office in Bujumbura, and encourages the Government to cooperate fully with the treaty bodies and to improve the working conditions of human rights defenders;

11. *Encourages* the Government of Burundi to cooperate with the regionally led mediation allowing for genuine and open inter-Burundian dialogue, to be convened without delay, involving all unarmed stakeholders, both inside and outside the country, who are convinced of the need for peaceful solutions and are prepared to work to that end, ensuring the meaningful participation of women, in order to reach a consensual and nationally owned solution that would aim to preserve peace, strengthen democracy, ensure the enjoyment of human rights for all in Burundi and restore the prospects and capacity of Burundi for development;

12. *Calls upon* the Burundian authorities to ensure equitable political processes and to create an open and safe space that could lead to the holding of free, fair, inclusive and transparent democratic elections in accordance with the Arusha Agreement and the Constitution of Burundi;

13. *Welcomes and supports* the ongoing efforts made at the regional and subregional levels, including by the East African Community and the Peace and Security

Commission of the African Union, to monitor the situation of human rights in Burundi and to contribute to its improvement;

14. *Welcomes* the work of human rights observers in Burundi appointed by the African Union, urges the Government of Burundi to sign without delay the memorandum of understanding with the African Union in order to enable human rights observers and military experts appointed by the African Union to operate fully in the country in fulfilment of the responsibilities provided for under their mandate, and calls upon the international community to give this mandate its full logistical and financial support;

15. *Emphasizes* the existence in Burundi of national, regional and international human rights monitoring mechanisms, including the Independent National Commission on Human Rights, the Ombudsman, the African Union human rights observers and the Office of the United Nations High Commissioner for Human Rights, and affirms the need to strengthen these mechanisms to enable Burundi to improve the situation of human rights and end human rights violations and abuses;

16. *Requests* the Office of the High Commissioner urgently to dispatch a team of three experts with the following mandate:

(*a*) To engage with the Burundian authorities and all other stakeholders, in particular United Nations agencies and the African Union, to collect and preserve information, to determine the facts and circumstances in accordance with international standards and practice, in cooperation with the Government of Burundi, and to forward to the judicial authorities of Burundi such information in order to establish the truth and ensure that the perpetrators of deplorable crimes are all accountable to the judicial authorities of Burundi;

(*b*) To make recommendations for technical assistance and capacity-building and ways of improving the situation of human rights in the country with a view to providing support to the country in fulfilling its human rights obligations, ensuring accountability and combating impunity;

17. *Requests* the United Nations High Commissioner for Human Rights to present to the Human Rights Council at its thirty-seventh and thirty-eighth sessions an oral briefing and at its thirty-ninth session a final report during an interactive dialogue;

18. *Urges* the Government of Burundi to cooperate fully with the team of experts of the Office of the High Commissioner, to authorize the team to conduct visits to the country and to provide it with all the information necessary to fulfil its mandate;

19. *Decides* to remain seized of the matter.

39th meeting
28 September 2017

[Adopted by a recorded vote of 23 to 14, with 9 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Iraq, Kenya, Nigeria, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Botswana, Indonesia, Japan, Kyrgyzstan, Mongolia, Panama, Paraguay, Philippines, Qatar]

36/3. The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The Human Rights Council,

Recalling all previous resolutions adopted by the General Assembly, the Human Rights Council and the Commission on Human Rights on the subject, including Assembly resolution 64/151 of 18 December 2009 and Council resolutions 10/11 of 26 March 2009, 15/12 of 30 September 2010, 15/26 of 1 October 2010, 18/4 of 29 September 2011, 24/13 of 26 September 2013, 27/10 of 25 September 2014, 30/6 of 1 October 2015 and 33/4 of 29 September 2016,

Recalling also all relevant resolutions that, inter alia, condemn any State that permits or tolerates the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council, the African Union and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the Elimination of Mercenarism in Africa,

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right to determine freely their political status and to pursue freely their economic, social and cultural development, and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Extremely alarmed and concerned about the threat posed by the activities of mercenaries to peace and security in developing countries in various parts of the world, in particular in areas of conflict, and about the threat they pose to the integrity of and respect for the constitutional order of the countries affected,

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policies and economies of affected countries resulting from international criminal mercenary activities,

Convinced that, regardless of the way in which mercenaries or mercenary-related activities are used or the form that they take to acquire a semblance of legitimacy, they are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of human rights by peoples,

1. *Reaffirms* that the use of mercenaries, and their recruitment, financing, protection and training, are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

2. *Recognizes* that armed conflicts, terrorism, arms trafficking and covert operations by third Powers encourage, inter alia, the demand for mercenaries and for private military and security companies on the global market;

3. *Urges once again* all States to take the necessary steps and to exercise the utmost vigilance against the threat posed by the activities of mercenaries, and to take legislative measures to ensure that their territories and other territories under their control, and their nationals, are not used for the recruitment, assembly, financing, training, protection and transit of mercenaries for the planning of activities designed to impede the right to self-determination, to overthrow the Government of any State or to dismember or to impair, totally or in part, the territorial integrity or political unity of sovereign and

independent States conducting themselves in compliance with the right of peoples to self-determination;

4. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries;

5. *Also requests* all States to exercise the utmost vigilance in banning the use of private companies offering international military consultancy and security services when intervening in armed conflicts or actions to destabilize constitutional regimes;

6. *Calls upon* all States that have not yet become a party to the International Convention against the Recruitment, Use, Financing and Training of Mercenaries to consider taking the necessary action to do so;

7. *Welcomes* the cooperation extended by those countries that were visited by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

8. *Condemns* mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and to the exercise of the right to self-determination of their peoples, and stresses the importance for the Working Group of looking into sources and root causes, and into the political motivations of mercenaries and for mercenary-related activities;

9. *Calls upon* States to investigate the possibility of mercenary and mercenary-related involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with national law and applicable bilateral or international treaties;

10. *Recognizes* that mercenary activity is a complex crime in which criminal responsibility falls upon those who have recruited, employed, trained and financed the mercenary or mercenaries, and upon those who have planned and ordered their criminal activity;

11. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

12. *Calls upon* the international community and all States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities, in transparent, open and fair trials;

13. *Acknowledges with appreciation* the work and contributions of the Working Group, including its research activities, and welcomes its most recent report;[4]

14. *Requests* the Working Group and other experts to continue their participation, including by submitting contributions, in other subsidiary bodies of the Human Rights Council considering issues related to the use of mercenaries and mercenary-related activities in all their forms and manifestations, including private military and security companies;

15. *Requests* the Working Group to continue the work already carried out by previous mandate holders on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of the term "mercenary" drafted by the Special Rapporteur on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination in his report submitted to the Commission on Human Rights at its sixtieth session,[5] and also the evolving phenomenon of mercenaries and its related forms;

[4] A/HRC/36/47.

[5] E/CN.4/2004/15.

16. *Also requests* the Working Group to continue to monitor mercenaries and mercenary-related activities in all their forms and manifestations, and private military and security companies, in different parts of the world, including instances of protection provided by Governments to individuals involved in mercenary activities, and to continue to update the database of individuals convicted of mercenary activities;

17. *Further requests* the Working Group to continue to study and identify sources and causes, emerging issues, manifestations and trends with regard to mercenaries and mercenary-related activities and their impact on human rights, particularly on the right of peoples to self-determination;

18. *Urges* all States to cooperate fully with the Working Group in the fulfilment of its mandate;

19. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional and financial, including by promoting cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

20. *Requests* the Working Group to consult States, intergovernmental and non-governmental organizations and other relevant civil society actors in the implementation of the present resolution, and to report its findings on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination to the General Assembly at its seventy-third session and to the Human Rights Council at its thirty-ninth session;

21. *Decides* to continue its consideration of this matter under the same agenda item at its thirty-ninth session.

39th meeting
28 September 2017

[Adopted by a recorded vote of 32 to 15, with no abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America]

36/4. Mandate of the Independent Expert on the promotion of a democratic and equitable international order

The Human Rights Council,

Recalling all previous resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the promotion of a democratic and equitable international order, in particular Assembly resolution 65/223 of 21 December 2010 and Council resolutions 8/5 of 18 June 2008, 18/6 of 29 September 2011, 21/9 of 27 September 2012, 25/15 of 27 March 2014, 27/9 of 25 September 2014, 30/29 of 2 October 2015 and 33/3 of 29 September 2016,

Recalling also Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Reaffirming that everyone is entitled to a social and international order in which the rights and freedoms set forth in the Universal Declaration of Human Rights can be fully realized,

Reaffirming also the determination expressed in the Preamble to the Charter of the United Nations to save succeeding generations from the scourge of war, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, to promote social progress and better standards of life in larger freedom, to practice tolerance and good neighbourliness, and to employ international machinery for the promotion of the economic and social advancement of all peoples,

Recognizing that democracy, respect for all human rights, including the right to development, transparent and accountable governance and administration in all sectors of society, and effective participation by civil society are an essential part of the necessary foundations for the realization of social and people-centred sustainable development,

Having listened to the peoples of the world, and recognizing their aspirations to justice, equality of opportunity for all, the enjoyment of their human rights, including the right to development, to live in peace and freedom, and to equal participation without discrimination in economic, social, cultural, civil and political life,

Resolved to take all measures within its power to secure a democratic and equitable international order,

1. *Reaffirms* that everyone is entitled to a democratic and equitable international order;

2. *Also reaffirms* that a democratic and equitable international order fosters the full realization of all human rights for all;

3. *Takes note* of the report of the Independent Expert on the promotion of a democratic and equitable international order,[6] and welcomes the work conducted by him;

4. *Requests* the Independent Expert to prepare a final report on his studies conducted during the last six years of his mandate, and to share it with the Human Rights Council at its thirty-seventh session;

5. *Decides* to renew the mandate of the Independent Expert on the promotion of a democratic and equitable international order for a period of three years, in conformity with the terms set forth by the Human Rights Council in its resolution 18/6;

6. *Calls upon* all Governments to cooperate with and assist the Independent Expert in the discharge of his or her mandate, and to provide the Independent Expert with all the necessary information requested by the Independent Expert in order to enable him or her to fulfil the duties of the mandate effectively;

7. *Requests* the United Nations High Commissioner for Human Rights to provide all the human and financial resources necessary for the effective fulfilment of the mandate by the Independent Expert;

8. *Invites* the Independent Expert to continue to develop close cooperation with academia, think tanks and research institutes, such as South Centre, and with other stakeholders from all regions;

9. *Requests* the human rights treaty bodies, the Office of the High Commissioner, the special mechanisms of the Human Rights Council and the Human Rights Council Advisory Committee to pay due attention, within their respective mandates, to the present resolution, and to make contributions to its implementation;

10. *Calls upon* the Office of the High Commissioner to build upon the issue of the promotion of a democratic and equitable international order;

11. *Requests* the Independent Expert to report regularly to the Human Rights Council and the General Assembly in accordance with their respective programmes of work;

[6] A/HRC/36/40 and Corr.1.

12. *Decides* to continue its consideration of this matter under the same agenda item at its thirty-ninth session.

39th meeting
28 September 2017

[Adopted by a recorded vote of 32 to 15, with no abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America]

36/5. Unaccompanied migrant children and adolescents and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Optional Protocol thereto on the sale of children, child prostitution and child pornography, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of Persons with Disabilities, the Vienna Convention on Consular Relations, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention against Discrimination in Education, the Convention relating to the Status of Refugees and the Protocol thereto, and the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization,

Recalling also all previous resolutions of the General Assembly on the protection of the human rights of migrants, in particular those relating to the situation of unaccompanied migrant children and adolescents, such as resolutions 69/187 of 18 December 2014 and 71/177 of 19 December 2016, the Human Rights Council resolutions on the protection of the human rights of migrants, in particular resolutions 9/5 of 16 September 2008, 12/6 of 12 October 2009, 29/12 of 2 July 2015, 33/7 of 29 September 2016 and 35/17 of 22 June 2017, Commission on Population and Development resolution 2013/1 of 26 April 2013, entitled "New trends in migrations: demographic aspects", and the Declaration of the High-level Dialogue on International Migration and Development, adopted on 3 October 2013,

Reaffirming the New York Declaration for Refugees and Migrants and the annexes thereto, adopted by the General Assembly in its resolution 71/1 of 19 September 2016,

Reaffirming also the commitments expressed in the New York Declaration, in which Member States recognized — and expressed their willingness to address, in accordance

with their obligations under international law — the special needs of all people in vulnerable situations who are travelling within large movements of refugees and migrants, including children, especially those who are unaccompanied or separated from their families, and affirming that children should not be criminalized or subject to punitive measures because of their migration status or that of their parents,

Taking note of the reports submitted by the United Nations High Commissioner for Human Rights on the panel discussion on unaccompanied migrant children and adolescents and human rights held at the thirty-fifth session of the Human Rights Council[7] and on the promotion and protection of the human rights of migrants in the context of large movements, submitted to the Council at its thirty-third session,[8]

Taking note with appreciation of the work of the Special Rapporteur on the human rights of migrants, especially the reports in which the mandate holder addressed the human rights of unaccompanied migrant children and adolescents, in particular his report on the human rights of migrants on a 2035 agenda for facilitating human mobility, presented to the Human Rights Council at its thirty-fifth session,[9]

Noting the work of the Committee on the Rights of the Child related to unaccompanied and separated children, including its general comment No. 6 (2005) on treatment of unaccompanied and separated children outside their country of origin, and to the outcome of the 2012 day of general discussion on the rights of all children in the context of international migration,

Acknowledging the important contribution made by migrants and migration to development in countries of origin, transit and destination, and the complex interrelationship between migration and development,

Looking forward to the outcome of the ongoing combined work of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Committee on the Rights of the Child to develop a joint general comment on the human rights of children in the context of international migration,

Taking note with appreciation of the report submitted by the Human Rights Council Advisory Committee at the present session on the study on the global issue of unaccompanied migrant children and adolescents and human rights,[10] in which the Committee defines the areas, reasons and cases in which this issue arises in the world, and the way in which human rights are threatened and violated, and makes recommendations for the consideration of States on how to protect the human rights of unaccompanied migrant children and adolescents,

Concerned by the large and growing number of migrants, in particular unaccompanied migrant children or those separated from their parents, who find themselves in vulnerable situations when attempting to cross international borders on dangerous migratory routes, and recognizing the obligation of States to respect the human rights of those migrants regardless of their migratory status, in accordance with their obligations under international law,

Expressing serious concern about the vulnerability of and risks faced by migrants in countries of transit and destination, in particular children, including adolescents, who are unaccompanied or separated from their families, who are forced to flee or decide to leave their homelands owing to multiple causes and who travel alone migratory routes, regardless of their migratory status, since they may be exposed to serious human rights violations and abuses that can threaten their physical, emotional and psychological well-being, and may also be exposed to crimes and human rights abuses committed by transnational criminal organizations or gangs, including crimes such as theft, kidnapping, extortion, physical abuse, the sale of and trafficking in persons, forced labour, and sexual abuse and exploitation,

[7] A/HRC/36/21.
[8] A/HRC/33/67.
[9] A/HRC/35/25.
[10] A/HRC/36/51.

Reaffirming that the general principles of the Convention on the Rights of the Child, including the best interests of the child, non-discrimination, participation, survival and development, provide the framework for all actions concerning children and should guide legislation, policies and practices relating to children, regardless of their status, including in the context of migration,

Recalling the New York Declaration for Refugees and Migrants, in which the General Assembly recognized the importance of cooperation among countries of origin, transit and destination in ensuring that any type of return, whether voluntary or otherwise, must be consistent with States' obligations under international human rights law and in compliance with the principle of non-refoulement and should respect the rules of international law, and must in addition be conducted in keeping with the best interests of children and with due process, while special attention should be paid to the needs of migrants in vulnerable situations who return, such as unaccompanied or separated children,

Recognizing that, for the full and harmonious development of a child's personality, he or she should grow up in a family environment and in an atmosphere of happiness, love and understanding, and, therefore, that States of origin, destination and, where appropriate, transit should, as applicable under national law, facilitate family reunification as an important objective in order to promote the welfare and the best interests of migrant children, including adolescents,

Welcoming immigration programmes, adopted by some countries, that allow migrants to integrate fully into their host countries, facilitate family reunification and promote a harmonious, tolerant and respectful environment, while encouraging States to consider the possibility of adopting such programmes,

Recognizing that discussions on the global compact for safe, orderly and regular migration are an important opportunity to address the issue of unaccompanied migrant children and adolescents,

1. *Reaffirms* that States, in accordance with their obligations under international law, are responsible for promoting and protecting the human rights and fundamental freedoms of all migrants, regardless of their migration status, and that all migrant children, within their territory and subject to their jurisdiction, are entitled to equal protection under the law, and calls upon States to fully respect their rights, without discrimination of any kind, taking into consideration that they are children first and foremost;

2. *Urges* States to give primary consideration at all times to the best interests of the child, particularly with regard to children in transit or crossing borders, and when formulating policies on integration, return or family reunification, to carry out individualized, comprehensive best-interest assessments to identify the protection needs of migrant children and adolescents, particularly unaccompanied and separated children, and to carry out early and prompt assessments of victims of violence, exploitation and abuse who may qualify for refugee status or other forms of protection;

3. *Calls upon* States to ensure appropriate, integrated and gender-sensitive child protection care and services for all unaccompanied and separated migrant children and adolescents starting from the time of their arrival, in accordance with relevant international legal frameworks, taking into account the principle of the best interests of the child and the special needs of unaccompanied migrant children and those separated from their families, to protect them against all forms of abuse, neglect, exploitation and violence and to work to provide for their health, education and psychosocial development in a manner that is age- and gender-sensitive and that ensures a continuum of protection throughout the migration cycle and across transnational borders;

4. *Also calls upon* States to promote and protect effectively the human rights and fundamental freedoms of all migrants, especially unaccompanied migrant children and adolescents, regardless of their migration status, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants and avoiding approaches that might aggravate their vulnerability;

5. *Encourages* States to prevent the separation of migrant children and adolescents from their families, to establish effective systems in conformity with their

international obligations and commitments, and to prioritize family reunification for unaccompanied or separated children with their parents, except when further separation is necessary in the best interests of the child, taking full account of the right of the child to express his or her views freely in matters that affect them and ensuring that applications by the child, or his or her parents, to enter or leave a country for the purpose of family reunification are dealt with in a positive, humane and expeditious manner and entail no adverse consequences for the applicants or family members;

6. *Reminds* States that the detention of a migrant child or adolescent on the basis of their migration status or that of their parents is seldom, if ever, in the best interests of the child, and also reminds them of their commitment to work towards ending this practice, and calls upon States to consider reviewing policies that criminalize cross-border movements and to adopt alternatives to detention for children that take into account the best interests of the child as a primary consideration, and respect the human rights of migrant children and adolescents, including the right to preserve their identities and family relations and not to be subjected to arbitrary or unlawful interference with their families;

7. *Calls upon* States of origin, transit and destination to find effective and timely responses to the needs of unaccompanied or separated children as soon as they are identified as such, including, where appropriate and feasible, their integration, voluntary and safe repatriation or resettlement, in keeping with the principles of due process, the best interests of the child and non-refoulement, and urges States to develop bilateral or multilateral agreements that standardize approaches for identifying and implementing sustainable solutions for unaccompanied or separated children, including a procedure for monitoring their return;

8. *Encourages* all States to prevent and eliminate discriminatory policies and legislation at all levels of government, including those that deny migrant children access to education and health care and other social services while taking into account the best interests of the child as a primary consideration in fostering the successful integration of migrant children into education and health-care systems and other social services and the removal of barriers to their education and health in host countries and countries of origin;

9. *Calls upon* all States to ensure that their immigration policies are consistent with their obligations under international law, including, as applicable, human rights and humanitarian law, and to promote the enjoyment of human rights by all migrants without discrimination, including by taking steps to increase cooperation and coordination at all levels to detect and, to end serious human rights violations and abuses, in particular trafficking and smuggling of migrant children and other forms of abuse and exploitation;

10. *Encourages* States to take into consideration the present resolution in the development of the global compact for safe, orderly and regular migration, and to consider specific measures to strengthen the rights of migrant children and adolescents, paying particular attention to the specific needs of unaccompanied and separated migrant children;

11. *Requests* the United Nations High Commissioner for Human Rights, within the framework of the preparations for the global compact for safe, orderly and regular migration and in accordance with General Assembly resolutions 71/1 and 71/280 of 6 April 2017, to provide inputs submitted to the Human Rights Council by the Office of the High Commissioner for the forthcoming stocktaking meeting and to engage with Members States and the Special Representative of the Secretary-General for International Migration to help to identify, through a human rights-based approach, concrete measures and best practices to improve the human rights situation of unaccompanied migrant children and adolescents;

12. *Invites* the special procedures of the Human Rights Council, in accordance with their mandates, to continue to give due consideration to the situation of unaccompanied migrant children and adolescents and the impact of this issue on the full enjoyment of their human rights, and to continue to report thereon;

13. *Decides* to remain seized of the matter.

39th meeting
28 September 2017

[Adopted without a vote.]

36/6. Enforced or involuntary disappearances

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the relevant articles of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that protect the right of life, the right to liberty and security of person, the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment and the right to recognition as a person before the law,

Recalling Commission on Human Rights resolution 20 (XXXVI) of 29 February 1980, in which the Commission decided to establish a working group of five members to serve as experts in their individual capacity and to examine questions relevant to enforced or involuntary disappearances, and also all previous resolutions on this subject, in particular Human Rights Council resolutions 7/12 of 27 March 2008 and 16/16 of 24 March 2011, in which the Council renewed by consensus the mandate of the Working Group on Enforced or Involuntary Disappearances, as well as Council decision 25/116 of 27 March 2014, and Council resolutions 21/4 of 27 September 2012 and 27/1 of 25 September 2014,

Recalling also General Assembly resolution 47/133 of 18 December 1992, by which the Assembly adopted the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for States, Assembly resolution 61/177 of 20 December 2006, by which it adopted the International Convention for the Protection of All Persons from Enforced Disappearance, which came into force on 23 December 2010, and Assembly resolution 70/160 of 17 December 2015,

Recalling further that no one shall be subjected to enforced disappearance and that no exceptional circumstance whatsoever may be invoked as justification for enforced disappearances,

Welcoming the fact that 96 States have signed the Convention and that 57 States have ratified or acceded to it, and recognizing that its implementation is a significant contribution to ending impunity and to the promotion and protection of all human rights for all,

Recalling the high-level meeting of the General Assembly held on 17 February 2017 to commemorate the tenth anniversary of the adoption of the International Convention for the Protection of All Persons from Enforced Disappearance, an opportunity to review the positive impact of the Convention and to discuss ways and best practices to prevent enforced disappearances and to combat impunity by, inter alia, promoting the universal ratification of the Convention,

Welcoming the launch by the United Nations High Commissioner for Human Rights of an international campaign for the universal ratification of the Convention,

Deeply concerned in particular by the increase in enforced or involuntary disappearances in various regions of the world, including arrest, detention and abduction, when these are part of or amount to enforced disappearances, and by the growing number of reports concerning the harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of disappeared persons,

Recalling that the Convention sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and the result of the investigation and the fate of the disappeared person, provides for the guarantee of access to information concerning the whereabouts of the person deprived of liberty to any person with a legitimate interest in such information, and sets out obligations for the State party to take appropriate measures in this regard,

Taking note with interest of the recommendation made by the Working Group on Enforced or Involuntary Disappearances that more assistance should be provided to family members and members of civil society in order to enable them to report alleged cases of enforced disappearance to the Working Group, given that, in a large number of cases, the underreporting of cases of enforced disappearance remains a major problem owing to various reasons, including, inter alia, fear of reprisal, weak administration of justice, poverty and illiteracy,

Taking note with interest also of the most recent thematic reports prepared by the Working Group, including the study on enforced or involuntary disappearances and economic, social and cultural rights[11] and its report on enforced disappearances in the context of migration,[12]

Acknowledging the fact that acts of enforced disappearance may amount to crimes against humanity as it is defined by the Rome Statute of the International Criminal Court,

Welcoming the decision of the General Assembly to declare 30 August International Day of the Victims of Enforced Disappearances, as well as the decision of the Assembly in its resolution 65/196 of 21 December 2010 to proclaim, pursuant to the recommendation made by the Human Rights Council in its resolution 14/7 of 17 June 2010, 24 March as the International Day for the Right to the Truth concerning Gross Human Rights Violations and for the Dignity of Victims, and its call upon Member States, the United Nations system and other international and regional organizations, national human rights institutions, civil society and other relevant stakeholders to observe these days,

Acknowledging that many States cooperate with the Working Group, including by responding favourably to its requests for visits to their countries,

Recalling Human Rights Council resolution 5/1, on institution-building of the Council, and resolution 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Calls upon* all States that have not yet signed, ratified or acceded to the International Convention for the Protection of All Persons from Enforced Disappearance to consider doing so as a matter of priority, and to consider as well the option provided for in articles 31 and 32 of the Convention regarding the Committee on Enforced Disappearances;

2. *Calls upon* States to cooperate with the Working Group on Enforced or Involuntary Disappearances and to respond favourably to its request for visits;

3. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to continue their intensive efforts to assist States interested in becoming parties to the Convention, while recognizing that a significant number of States support universal ratification;

4. *Takes note with appreciation* of the reports of the Working Group,[13] and encourages States to give due consideration to the comments and recommendations contained therein;

5. *Welcomes* the important work undertaken by the Working Group to address all situations of enforced disappearance;

6. *Encourages* the Working Group to continue to explore issues regarding enforced disappearances and to continue to submit reports to the Human Rights Council, in accordance with its mandate;

7. *Welcomes* the cooperation established between the Working Group and the Committee on Enforced Disappearances, as well as with other relevant special procedures and treaty bodies, within the framework of their respective mandates, and encourages them to continue their cooperation in the future;

8. *Decides* to extend the mandate of the Working Group for a further period of three years, in conformity with the terms set forth in Human Rights Council resolution 7/12;

9. *Calls upon* States that have not provided substantive replies concerning claims of enforced disappearances in their countries to do so, and to give due consideration to relevant recommendations concerning this issue made by the Working Group in its reports;

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[11] See A/HRC/30/38/Add.5.

[12] A/HRC/36/39/Add.2.

[13] A/HRC/33/51 and A/HRC/36/39.

10. *Encourages* the Working Group, in accordance with its working methods, to continue to provide the States concerned with relevant and detailed information concerning allegations of enforced disappearances in order to facilitate a prompt and substantive response to these communications without prejudice to the need for the States concerned to cooperate with the Working Group;

11. *Requests* the Secretary-General to continue to provide the Working Group with all financial and human resources necessary to enable it to carry out fully its mandate;

12. *Decides* to continue consideration of the question of enforced disappearances in accordance with its programme of work.

39th meeting
28 September 2017

[Adopted without a vote.]

36/7. Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action, the Geneva Conventions of 12 August 1949 and the Additional Protocols thereto of 8 June 1977, and other relevant international human rights law and international humanitarian law instruments,

Reaffirming also the significance of the Convention on the Prevention and Punishment of the Crime of Genocide, and recalling in this regard the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity as effective international instruments for the prevention and punishment of genocide, war crimes and crimes against humanity,

Recalling the International Convention for the Protection of All Persons from Enforced Disappearance, adopted by the General Assembly in its resolution 61/177 of 20 December 2006, in which article 24, paragraph 2 sets out the right of victims to know the truth regarding the circumstances of the enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, and sets forth State party obligations to take appropriate measures in this regard, and the preamble reaffirms the right to freedom to seek, receive and impart information to that end,

Recalling also the set of principles for the protection and promotion of human rights through action to combat impunity,[14] and the updated version of those principles,[15]

Recalling further General Assembly resolution 60/147 of 16 December 2005, in which the Assembly adopted the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,

Recalling Commission on Human Rights resolutions 2005/70 of 20 April 2005, on human rights and transitional justice, 2005/81 of 21 April 2005, on impunity, and 2005/66 of 20 April 2005, on the right to the truth, Human Rights Council resolutions 9/10 of 24 September 2008, 12/11 of 1 October 2009, 21/15 of 27 September 2012 and 33/19 of 30 September 2016, on human rights and transitional justice, 9/11 of 18 September 2008, 12/12 of 1 October 2009 and 21/7 of 27 September 2012, on the right to the truth, 10/26 of 27 March 2009 and 15/5 of 29 September 2010, on forensic genetics and human rights, Council decisions 2/105 of 27 November 2006, on the right to the truth, and 4/102 of 23 March 2007, on transitional justice, and General Assembly resolution 68/165 of 18 December 2013, on the right to the truth,

[14] E/CN.4/Sub.2/1997/20/Rev.1, annex II.
[15] E/CN.4/2005/102/Add.1.

Reaffirming Human Rights Council resolution 18/7 of 29 September 2011, in which the Council decided to establish the mandate of Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence,

Recalling the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies[16] and his 2011 follow-up report on the same topic,[17] including the relevant recommendations contained therein, as well as his reports issued in 2006, 2012, 2013 and 2014[18] outlining a programme of action to enhance the effectiveness of the support provided by the United Nations system for the promotion of the rule of law in conflict and post-conflict situations,

Acknowledging that the fight against impunity and the implementation of transitional justice processes, including the promotion of truth, justice, reparation and guarantees of non-recurrence, can prevent the recurrence of gross violations of human rights and serious violations of international humanitarian law,

Recalling General Assembly resolution 70/262 of 27 April 2016, on the review of the United Nations peacebuilding architecture, and Security Council resolution 2282 (2016) of 27 April 2016, in which the Assembly and the Council, inter alia, stressed that a comprehensive approach to transitional justice, including the promotion of healing and reconciliation, a professional, accountable and effective security sector, including through its reform, and inclusive and effective demobilization, disarmament and reintegration programmes, including the transition from demobilization and disarmament to reintegration, are critical to the consolidation of peace and stability, promoting poverty reduction, the rule of law, access to justice and good governance, further extending legitimate State authority and preventing countries from lapsing or relapsing into conflict,

Noting with appreciation the active engagement of the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in assisting States to address gross human rights violations and serious violations of international humanitarian law, in cooperation with and at the request of States,

Recalling its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recognizing that the Special Rapporteur on the promotion of truth, justice, reparations and guarantees of non-recurrence will continue to deal with situations in which there have been gross violations of human rights and serious violations of international humanitarian law,

Underlining the fact that, when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law, the specific context of each situation must be taken into account with a view to preventing the recurrence of crises and future violations of human rights, to ensure social cohesion, nation-building, ownership and inclusiveness at the national and local levels, and to promote reconciliation,

Emphasizing the importance of a comprehensive approach incorporating the full range of judicial and non-judicial measures, including, among others, individual prosecutions, reparations, truth-seeking, institutional reform, the vetting of public employees and officials, memorialization initiatives and processes to achieve shared narratives or an appropriately conceived combination thereof, in order to, inter alia, ensure accountability, serve justice, provide remedies to victims, promote healing and reconciliation, establish independent oversight of the security system and restore confidence in the institutions of the State and promote the rule of law in accordance with international human rights law,

1. *Takes note with appreciation* of the reports of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence submitted to the

[16] S/2004/616.

[17] S/2011/634.

[18] A/61/636-S/2006/980 and Corr.1, A/66/749, S/2013/341, A/68/213/Add.1 and A/69/181.

Human Rights Council at its thirtieth, thirty-fourth and thirty-sixth[19] sessions, as well as those submitted to the General Assembly at its sixty-ninth, seventieth and seventy-first[20] sessions, and calls upon States to take due consideration of the recommendations contained therein when designing and implementing strategies, policies and measures to address gross human rights violations and serious violations of international humanitarian law within their national context;

2. *Welcomes* the work undertaken by the Special Rapporteur in the implementation of his mandate, the comprehensive, transparent and inclusive consultations conducted with relevant actors from all regions for his thematic reports, and the undertaking of country visits;

3. *Also welcomes* the cooperation of those States that have received the Special Rapporteur in their country, those that have accepted requests for visits by the Special Rapporteur and those that have extended invitations to the Special Rapporteur to visit their country, as well as those that have responded to his requests for information;

4. *Decides* to extend for a period of three years the mandate of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, whose tasks will include:

(*a*) To contribute to and, where applicable, facilitate, upon request, the provision of technical assistance or advisory services on the issues pertaining to the mandate;

(*b*) To gather relevant information on national situations, including on normative frameworks, national practices and experiences, such as truth and reconciliation commissions and other mechanisms, relating to the promotion of truth, justice, reparation and guarantees of non-recurrence in addressing gross violations of human rights and serious violations of international humanitarian law, and to study trends, developments and challenges and to make recommendations thereon;

(*c*) To identify, exchange and promote good practices and lessons learned, and to identify potential additional elements with a view to recommending ways and means to improve and strengthen the promotion of truth, justice, reparation and guarantees of non-recurrence;

(*d*) To develop a regular dialogue and to cooperate with, inter alia, Governments, international and regional organizations, national human rights institutions and non-governmental organizations, and relevant United Nations bodies and mechanisms;

(*e*) To make recommendations concerning, inter alia, judicial and non-judicial measures when designing and implementing strategies, policies and measures for addressing gross violations of human rights and serious violations of international humanitarian law;

(*f*) To explore further the contribution of transitional justice to the prevention of gross violations of human rights and serious violations of international humanitarian law, including genocide, war crimes, ethnic cleansing and crimes against humanity, and their recurrence;

(*g*) To conduct country visits and to respond promptly to invitations from States;

(*h*) To participate in and contribute to relevant international conferences and events with the aim of promoting a systematic and coherent approach on issues pertaining to the mandate;

(*i*) To raise awareness concerning the value of a systematic and coherent approach when dealing with gross violations of human rights and serious violations of international humanitarian law, and to make recommendations in this regard;

(*j*) To integrate a gender perspective throughout the work of the mandate;

(*k*) To integrate a victim-centred approach throughout the work of the mandate;

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[19] A/HRC/30/42 and Add.1, A/HRC/34/62 and Add.1, and A/HRC/36/50 and Add.1.

[20] See A/69/518, A/70/438 and A/71/567.

(*l*) To work in close coordination, while avoiding unnecessary duplication, with the Office of the United Nations High Commissioner for Human Rights, other relevant entities of the United Nations Secretariat, relevant United Nations agencies, funds and programmes, intergovernmental and non-governmental organizations, other special procedures of the Human Rights Council and other relevant actors;

5. *Urges* all States to cooperate with and to assist the Special Rapporteur so that his mandate can be carried out effectively, including by responding favourably and rapidly to requests for visits, mindful that country visits are one of the essential tools for the fulfilment of the mandate of the Special Rapporteur, and to provide him in a timely manner with all the necessary information requested by him;

6. *Requests* the Special Rapporteur to continue to report annually to the Human Rights Council and the General Assembly;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human, technical and financial assistance necessary for the effective fulfilment of his mandate;

8. *Decides* to continue its consideration of this matter under the same agenda item and in accordance with its programme of work.

39th meeting
28 September 2017

[Adopted without a vote.]

36/8. The full enjoyment of human rights by all women and girls and the systematic mainstreaming of a gender perspective into the implementation of the 2030 Agenda for Sustainable Development

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities and all other human rights instruments,

Recalling also the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform of Action, the Durban Declaration and Programme of Action and the outcome documents of their review conferences,

Recalling further General Assembly resolution 70/1 of 25 September 2015, entitled "Transforming our world: the 2030 Agenda for Sustainable Development",

Recalling all relevant resolutions adopted by the General Assembly and the Human Rights Council, as well as the agreed conclusions adopted by the Commission on the Status of Women, including the agreed conclusions on women's empowerment and the link to sustainable development,

Recalling also that the 2030 Agenda for Sustainable Development is grounded in the Universal Declaration of Human Rights and international human rights treaties, and is informed by the Declaration on the Right to Development, and recognizing that its implementation must be consistent with States' obligations under international human rights law,

Stressing that the full realization of gender equality and the empowerment of all women and girls will make a crucial contribution to progress across all the Goals and

targets of the 2030 Agenda, and that the systematic mainstreaming of a gender perspective into the implementation of the Agenda is crucial,

1. *Recognizes* that the respect, protection and fulfilment of the full enjoyment of human rights by all women and girls and the full implementation of all Goals and targets of the 2030 Agenda for Sustainable Development are interrelated and mutually reinforcing;

2. *Also recognizes* that the full implementation of all Goals and targets of the 2030 Agenda is not possible without the respect, protection and fulfilment of the full enjoyment of human rights and fundamental freedoms by all women and girls, including the right to development, which should be mainstreamed into all policies and programmes aimed at the implementation of the Sustainable Development Goals, in particular the eradication of poverty;

3. *Requests* the United Nations High Commissioner for Human Rights, in collaboration with Member States, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Population Fund and other United Nations agencies, funds and programmes, international human rights mechanisms, civil society organizations and other relevant stakeholders, to organize a two-day intersessional expert meeting to consider gaps in, challenges to and best practices aimed at the full enjoyment of human rights by all women and girls and the systematic mainstreaming of a gender perspective into the implementation of the 2030 Agenda, to prepare a report on the outcome of the above-mentioned meeting, and to present the report to the Human Rights Council at its thirty-ninth session.

39th meeting
28 September 2017

[Adopted without a vote.]

36/9. The right to development

The Human Rights Council,

Recalling the Charter of the United Nations and the core human rights instruments,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986,

Reiterating the Vienna Declaration and Programme of Action, which reaffirms the right to development as a universal and inalienable right and an integral part of every human right,

Reaffirming Human Rights Council resolutions 4/4 of 30 March 2007 and 9/3 of 17 September 2008, and recalling all Council and General Assembly resolutions on the right to development, the most recent being Council resolution 33/14 of 29 September 2016 and Assembly resolution 71/192 of 19 December 2016,

Recalling all Commission on Human Rights resolutions on the right to development, including resolutions 1998/72 of 22 April 1998 and 2004/7 of 13 April 2004 in support of the implementation of the right to development,

Welcoming the seventeenth Summit of Heads of State or Government of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, and recalling previous summits and conferences at which the States members of the Movement of Non-Aligned Countries stressed the need to operationalize the right to development as a priority, including through the elaboration of a convention on the right to development by the relevant machinery, taking into account the recommendations of relevant initiatives,

Emphasizing the urgent need to make the right to development a reality for everyone,

Emphasizing also that all human rights and fundamental freedoms, including the right to development, can only be enjoyed in an inclusive and collaborative framework at the international, regional and national levels, and in this regard underlining the importance of engaging the United Nations system, including United Nations specialized agencies, funds and programmes, within their respective mandates, relevant international

organizations, including financial and trade organizations, and relevant stakeholders, including civil society organizations, development practitioners, human rights experts and the public at all levels, in discussions on the right to development,

Stressing that the responsibility for managing worldwide economic and social issues and threats to international peace and security must be shared among the nations of the world and should be exercised multilaterally, and that, in this regard, the central role must be played by the United Nations as the most universal and representative organization in the world,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[21] and emphasizing that the 2030 Agenda is informed by the Declaration on the Right to Development and that the right to development provides a vital enabling environment for the full realization of the Sustainable Development Goals,

Recognizing that achieving the internationally agreed development goals, including the unmet Millennium Development Goals, the Sustainable Development Goals and climate change-related goals, requires effective policy coherence and coordination,

Recognizing also that hunger and extreme poverty, in all its forms and dimensions, are the greatest global challenges and require the collective commitment of the international community for their eradication, and therefore calling upon the international community to contribute to the achievement of that goal, in accordance with the Sustainable Development Goals,

Expressing concern about the increasing number of cases of human rights violations and abuses by some transnational corporations and other business enterprises, underlining the need to ensure that appropriate protection, justice and remedies are provided to the victims of human rights violations and abuses resulting from the activities of those entities, and underscoring the fact that they must contribute to the means of implementation for the realization of the right to development,

Emphasizing that all human rights and fundamental freedoms, including the right to development, are universal, indivisible, interdependent and interrelated,

Underlining that the successful implementation of the Sustainable Development Goals will require the strengthening of a new, more equitable and sustainable national and international order, and the promotion and protection of all human rights and fundamental freedoms,

Noting the commitment declared by a number of United Nations specialized agencies, funds and programmes and other international organizations to make the right to development a reality for all, and in this regard urging all relevant bodies of the United Nations system and other international organizations to mainstream the right to development into their objectives, policies, programmes and operational activities, and into development and development-related processes, including the follow-up to the Fourth United Nations Conference on the Least Developed Countries,

Stressing the primary responsibility of States for the creation of national and international conditions favourable to the realization of the right to development,

Recognizing that Member States should cooperate with each other in ensuring development and eliminating lasting obstacles to development, that the international community should promote effective international cooperation, in particular global partnerships for development, for the realization of the right to development and the elimination of obstacles to development, and that lasting progress towards the implementation of the right to development requires effective development policies at the national level, equitable economic relations and a favourable economic environment at the international level,

Encouraging all Member States to engage constructively in the discussions for the full implementation of the Declaration on the Right to Development with a view to overcoming the existing political impasse within the Working Group on the Right to Development,

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[21] General Assembly resolution 70/1.

Affirming that the thirtieth anniversary of the Declaration on the Right to Development presented a unique opportunity for the international community to demonstrate and reiterate its unequivocal commitment to the right to development, recognizing the high profile it deserves, and redoubling its efforts to implement this right,

Stressing that, in General Assembly resolution 48/141 of 20 December 1993, the Assembly decided that the responsibility of the United Nations High Commissioner for Human Rights shall be, among others, to promote and protect the realization of the right to development and to enhance support from relevant bodies of the United Nations system for that purpose,

Recognizing the need for independent perspectives and expert advice to strengthen the work of the Working Group on the Right to Development and to support the efforts of Member States to realize fully the right to development, including in the context of the implementation of the Sustainable Development Goals,

Reaffirming Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge the duties of the mandate in accordance with those resolutions and the annexes thereto,

1. *Takes note* of the consolidated report of the Secretary-General and the United Nations High Commissioner for Human Rights on the right to development;[22]

2. *Requests* the High Commissioner to continue to submit to the Human Rights Council an annual report on the activities of the Office of the United Nations High Commissioner for Human Rights, including on inter-agency coordination within the United Nations system that have direct relevance to the realization of the right to development, and to provide an analysis of its implementation, taking into account existing challenges and making recommendations on how to overcome them, in his next annual report;

3. *Urges* the High Commissioner to pursue his efforts, in fulfilment of his mandated responsibility, to enhance support for the promotion and protection of the realization of the right to development, taking as reference the Declaration on the Right to Development, all resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the right to development, and agreed conclusions and recommendations of the Working Group on the Right to Development;

4. *Requests* the Office of the High Commissioner, in the implementation of the Declaration on the Right to Development, to take sufficient measures to ensure balanced and visible allocation of resources and due attention to ensure the visibility of the right to development by identifying and implementing tangible projects dedicated to the right to development, in collaboration with the Special Rapporteur on the right to development, and to provide regular updates to the Human Rights Council in this regard;

5. *Recognizes* the need for renewed efforts towards intensifying deliberations in the Working Group to fulfil, at the earliest, its mandate as established by the Commission on Human Rights in its resolution 1998/72 and the Human Rights Council in its resolution 4/4;

6. *Acknowledges* the need to strive for greater acceptance, operationalization and realization of the right to development at the international level, while urging all States to undertake at the national level the necessary policy formulation and to institute the measures required for the implementation of the right to development as an integral part of all human rights and fundamental freedoms;

7. *Welcomes* the celebrations held in 2016 to commemorate the thirtieth anniversary of the Declaration on the Right to Development, including the annual high-level panel discussion on human rights mainstreaming, with the theme "The 2030 Agenda for Sustainable Development and human rights, with an emphasis on the right to development", convened at the thirty-first session of the Human Rights Council, the panel discussion on the promotion and protection of the right to development, convened at the thirty-second session of the Council, and the high-level segment of the General Assembly

[22] A/HRC/36/23.

to commemorate the thirtieth anniversary of the Declaration on the Right to Development, held at the seventy-first session of the Assembly, which provided a unique opportunity to Member States to demonstrate and reiterate their political commitment, accord the right to development the great attention it deserves and to redouble their efforts towards the realization of the right to development;

8. *Also welcomes* the report of the Chair-Rapporteur of the Working Group on the Right to Development on its eighteenth session;[23]

9. *Further welcomes* the re-election of the Chair-Rapporteur of the Working Group and the skill with which he led the discussions at the eighteenth session;

10. *Notes* the presentation to the Working Group at its eighteenth session of the set of standards for the implementation of the right to development prepared by the Chair-Rapporteur of the Working Group,[24] which is a useful basis for further deliberations on the implementation and realization of the right to development;

11. *Acknowledges* the preparation by the secretariat of a paper containing comments and views submitted by Governments, groups of Governments, regional groups and stakeholders on the criteria and operational subcriteria of the right to development;[25]

12. *Requests* the Working Group to finalize its consideration of the criteria and operational subcriteria as expeditiously as possible, preferably by no later than its nineteenth session;

13. *Acknowledges with appreciation* the proposal by the Movement of Non-Aligned Countries on a set of standards regarding the implementation and realization of the right to development[26] and its further contributions aimed at finalizing the criteria and subcriteria of the right to development;[27]

14. *Requests* the High Commissioner to facilitate the participation of experts in the nineteenth session of the Working Group, to provide advice with a view to contributing to discussions on the implementation and realization of the right to development, including the implications of the 2030 Agenda for Sustainable Development, and looks forward to the possible engagement of the Working Group with the high-level political forum;

15. *Welcomes* the report of the Special Rapporteur on the right to development submitted to the Human Rights Council,[28] and requests him to pay particular attention to the implementation of the right to development, which facilitates the full enjoyment of human rights, in accordance with his mandate;

16. *Requests* the Special Rapporteur on the right to development to hold consultations with States and regional consultations on the implementation of the right to development, and requests the Office of the High Commissioner to assist the Special Rapporteur in the organization and holding of those consultations, including through the allocation of sufficient budgetary resources;

17. *Decides*:

(*a*) To continue to act to ensure that its agenda promotes and advances sustainable development and the achievement of the remaining Millennium Development Goals and of the Sustainable Development Goals, and in this regard lead to raising the right to development, as set out in paragraphs 5 and 10 of the Vienna Declaration and Programme of Action, to the same level and on a par with all other human rights and fundamental freedoms;

(*b*) To endorse the recommendations of the Working Group adopted at its eighteenth session;

(*c*) That the Working Group, taking into account Human Rights Council resolution 9/3, shall finalize its consideration of the criteria and operational subcriteria,

[23] A/HRC/36/35.
[24] A/HRC/WG.2/17/2.
[25] A/HRC/WG.2/18/CRP.1.
[26] A/HRC/WG.2/18/G/1.
[27] See A/HRC/WG.2/18/CRP.1.
[28] A/HRC/36/49.

preferably no later than its nineteenth session, in relation to the elaboration of a comprehensive and coherent set of standards for the implementation of the right to development, and shall take appropriate steps to ensure respect for the practical application of these standards in order for them to evolve into a basis for consideration of an international legal standard of a binding nature, through a collaborative process of engagement;

(*d*) That the Working Group shall invite the Special Rapporteur, in consultation with Member States, to provide his views on the work of the Working Group and its relevant agenda items, at its nineteenth session;

18. *Encourages* relevant bodies of the United Nations system, within their respective mandates, including United Nations specialized agencies, funds and programmes, relevant international organizations, including the World Trade Organization and relevant stakeholders, including civil society organizations, to give due consideration to the right to development in the implementation of the 2030 Agenda for Sustainable Development, to contribute further to the work of the Working Group, and to cooperate with the High Commissioner and the Special Rapporteur in the fulfilment of their mandates with regard to the implementation of the right to development;

19. *Decides* to review the progress of the implementation of the present resolution, as a matter of priority, at its future sessions.

39th meeting
28 September 2017

[Adopted by a recorded vote of 31 to 11, with 4 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Portugal, Republic of Korea, Slovenia]

36/10. Human rights and unilateral coercive measures

The Human Rights Council,

Recalling the purposes and principles of the Charter of the United Nations,

Recalling also all previous resolutions on human rights and unilateral coercive measures adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly,

Reaffirming Human Rights Council resolution 34/13 of 24 March 2017 and General Assembly resolution 71/193 of 19 December 2016,

Stressing that unilateral coercive measures and legislation are contrary to international law, international humanitarian law, the Charter and the norms and principles governing peaceful relations among States,

Recognizing the universal, indivisible, interdependent and interrelated character of all human rights, and in this regard reaffirming the right to development as a universal and inalienable right and an integral part of all human rights,

Expressing its grave concern at the negative impact of unilateral coercive measures on human rights, development, international relations, trade, investment and cooperation,

Reaffirming that no State may use or encourage the use of any type of measure, including but not limited to economic or political measures, to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind,

Recognizing that unilateral coercive measures in the form of economic sanctions have far-reaching implications for the human rights of the general population of targeted States, disproportionately affecting the poor and the most vulnerable classes,

Alarmed by the fact that most current unilateral coercive measures have been imposed, at great cost, in terms of the human rights of the poorest and of persons in vulnerable situations, on developing countries by developed countries,

Underlining that under no circumstances should people be deprived of their basic means of survival,

Recognizing that long-term unilateral coercive measures may result in social problems and raise humanitarian concerns in the States targeted,

Highlighting the deep-rooted problems and grievances within the international system and the importance for the United Nations to give a voice to all members of the international community in order to ensure multilateralism, mutual respect and the peaceful settlement of disputes,

Expressing its grave concern that the laws and regulations imposing unilateral coercive measures have, in some instances, an extraterritorial effect not only on targeted countries but also on third countries, in contravention of the basic principles of international law, in a manner that will coerce the latter also to apply the unilateral coercive measures,

Welcoming the final document and declaration adopted at the seventeenth Summit of Heads of State and Government of the Movement of Non-Aligned Countries, held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016, in which the Movement reaffirmed, among other things, its principled position of condemnation of the promulgation and application of unilateral coercive measures against countries of the Movement, which are in violation of the Charter and international law and undermine, among other things, the principles of sovereignty, territorial integrity, political independence, self-determination and non-interference,

Reaffirming that each State has full sovereignty over the totality of its wealth, natural resources and economic activity, exercising it freely, in accordance with General Assembly resolution 1803 (XVII) of 14 December 1962,

Recalling that the World Conference on Human Rights, held in Vienna from 14 to 25 June 1993, called upon States to refrain from any unilateral measure not in accordance with international law and the Charter and that created obstacles to trade relations among States and impeded the full realization of all human rights, and that also severely threatened the freedom of trade,

Deeply concerned that, despite the resolutions adopted on this issue by the General Assembly, the Human Rights Council, the Commission on Human Rights and at United Nations conferences held in the 1990s and at their five-year reviews, and contrary to norms of international law and the Charter, unilateral coercive measures continue to be promulgated, implemented and enforced by, inter alia, resorting to war and militarism, with all their negative implications for the social-humanitarian activities and economic and social development of developing countries, including their extraterritorial effects, thereby creating additional obstacles to the full enjoyment of all human rights by peoples and individuals under the jurisdiction of other States,

Deeply disturbed by the negative impact of unilateral coercive measures on the right to life, the rights to health and medical care, the right to freedom from hunger and the right to an adequate standard of living, food, education, work and housing,

Alarmed by the disproportionate and indiscriminate human costs of unilateral sanctions and their negative effects on the civilian population, in particular women and children, of targeted States,

Reaffirming that unilateral coercive measures are major obstacles to the implementation of the Declaration on the Right to Development,

Concerned that unilateral coercive measures have prevented humanitarian organizations from making financial transfers to States where they work,

Underlining that, in each situation worldwide, unilateral coercive measures have a negative impact on human rights,

Underlining also the necessity of examining the wide range of impact of unilateral coercive measures on international humanitarian and human rights law and on the economy, peace, security and social fabric of States,

Highlighting the need to monitor human rights violations associated with unilateral coercive measures and to promote accountability,

Recalling Human Rights Council resolutions 5/1, on the institution-building of the Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his duties in accordance with those resolutions and the annexes thereto,

Recalling also article 1 (2) common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which provides that, inter alia, in no case may a people be deprived of its own means of subsistence,

1. *Welcomes* the work of the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, including his thematic reports and country visits;

2. *Also welcomes* the report of the Special Rapporteur;[29]

3. *Decides* to extend for a period of three years the mandate of the Special Rapporteur, as set out in Human Rights Council resolution 27/21 of 26 September 2014;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to give high priority to human rights and unilateral coercive measures, to pursue further work in this area in full cooperation with the Special Rapporteur in his various activities, and to continue to provide the Special Rapporteur with all the assistance necessary for the effective fulfilment of his mandate;

5. *Calls upon* all Governments to cooperate with and assist the Special Rapporteur in his tasks, to supply all necessary information requested by the mandate holder, and to respond favourably to his requests to visit their countries to enable him to fulfil his mandate effectively;

6. *Invites* relevant United Nations agencies, funds and programmes, treaty bodies and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Special Rapporteur in the fulfilment of his mandate;

7. *Decides* to continue its consideration of the issue of human rights and unilateral coercive measures in accordance with its programme of work.

39th meeting
28 September 2017

[Adopted by a recorded vote of 30 to 15, with 1 abstention. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

[29] A/HRC/36/44.

Against:

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Togo]

36/11. Mandate of the open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolution 60/251 of 15 March 2006, and Human Rights Council resolution 5/1, on institution-building of the Council, and resolution 5/2, on the Code of Conduct for Special Procedures Mandate Holders, both of 18 June 2007,

Recalling also Human Rights Council resolution 15/26 of 1 October 2010, establishing the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies,

Taking note of the recommendations of the first six sessions of the open-ended intergovernmental working group,

Recognizing the need to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and security companies,

Noting relevant national, regional and international standards and tools, including those prepared by various stakeholders,

1. *Decides* to establish a new open-ended intergovernmental working group, for a period of three years, with a mandate to elaborate the content of an international regulatory framework, without prejudging the nature thereof, to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and security companies, to be informed by the discussion document on elements for an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, as prepared by the Chair-Rapporteur, and further inputs from Member States and other stakeholders;

2. *Also decides* that the working group shall meet for five working days and submit an annual progress report to the Human Rights Council in conformity with its annual programme of work;

3. *Acknowledges* the importance of providing the working group with the expertise and expert advice necessary to fulfil its mandate, and decides that the working group shall invite experts and all relevant stakeholders to participate in its work;

4. *Invites* the contributions of Governments, relevant special procedure mandate holders and mechanisms of the Human Rights Council, the treaty bodies, regional groups, intergovernmental organizations, civil society, the industry and other stakeholders with relevant expertise, including the Co-Chairs of the Montreux Document Forum and the International Code of Conduct Association;

5. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the working group with all the financial and human resources necessary for the fulfilment of its mandate;

6 *Decides* to remain seized of this important matter.

39th meeting
28 September 2017

[Adopted without a vote.]

36/12. World Programme for Human Rights Education

The Human Rights Council,

Recalling the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments,

Reaffirming the call of the World Conference on Human Rights, held in Vienna in 1993, on all States and institutions to include human rights, humanitarian law, democracy and rule of law in the curricula of all learning institutions, and its statement that human rights education should include peace, democracy, development and social justice, as set forth in international and regional human rights instruments, in order to achieve common understanding and awareness with a view to strengthening universal commitment to human rights,

Reaffirming also that all human rights are universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis, and while the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms,

Recalling General Assembly resolution 59/113A of 10 December 2004, in which the Assembly proclaimed the World Programme for Human Rights Education as an international effort under the auspices of the United Nations to advance the implementation of human rights education in all sectors, and all previous resolutions of the Human Rights Council on human rights education and training,

Reaffirming the United Nations Declaration on Human Rights Education and Training, adopted by the General Assembly in its resolution 66/137 on 19 December 2011, and that States are duty-bound, as stipulated in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, to ensure that education is aimed at strengthening respect for human rights and fundamental freedoms, and that every individual and every organ of society should strive by teaching and education to promote respect for human rights and fundamental freedoms,

Recalling the 2005 World Summit Outcome, in which Heads of State and Government supported the promotion of human rights education and learning at all levels, including through the implementation of the World Programme for Human Rights Education, as appropriate, and encouraged all States to develop initiatives in that regard,

Recalling also that the World Programme is an ongoing initiative structured in consecutive phases to advance the implementation of human rights education programmes in all sectors, and that States should continue the implementation of previous phases while taking the necessary measures to implement the ongoing phase,

Convinced that human rights education is a long-term and lifelong process by which everyone learns tolerance and respect for the dignity of others and the means and methods of ensuring that respect in all societies,

Reaffirming the constructive role played by national human rights institutions, in particular in their advisory capacity to the competent authorities, in the dissemination of human rights information and education in human rights and their role in preventing and remedying human rights violations,

Believing that human rights education and training is essential to the effective realization of human rights and fundamental freedoms and contributes significantly by promoting equality, preventing conflict and human rights violations and abuses, and enhancing participation and democratic processes with a view to developing societies in

which all human beings are valued and respected, without discrimination or distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling General Assembly resolution 70/254 of 12 February 2016, and taking note of the Secretary-General's Plan of Action to Prevent Violent Extremism, which identifies human rights education and training as a strategy for preventing and addressing violent extremism,

Welcoming the adoption of the 2030 Agenda for Sustainable Development, including Goal 4, target 7 thereof, and of the Education 2030 Framework for Action, and affirming the interlinkages and integrated nature of all Sustainable Development Goals and targets,

1. *Takes note with appreciation* of the midterm progress report on the implementation of the third phase of the World Programme for Human Rights Education prepared by the Office of the United Nations High Commissioner for Human Rights;[30]

2. *Notes with appreciation* the initiatives by all relevant stakeholders for the implementation of the third phase of the World Programme;

3. *Welcomes* the convening of the high-level panel discussion on the implementation of the United Nations Declaration on Human Rights Education and Training: good practices and challenges on 14 September 2016, and the summary report thereon prepared by the Office of the High Commissioner;[31]

4. *Encourages* States and all other stakeholders to strengthen the implementation of all phases of the World Programme for Human Rights Education;

5. *Welcomes* the efforts of the Office of the High Commissioner, the United Nations Educational, Scientific and Cultural Organization and Member States in advancing human rights education and training globally, including through the promotion of national implementation of the World Programme for Human Rights Education: methodological and training support, capacity-building and technical assistance;

6. *Urges* the High Commissioner and the United Nations Educational, Scientific and Cultural Organization to step up collaboration with States, upon request, in order to build their capacity for human rights education and training;

7. *Reiterates* the need to strengthen international cooperation and coordination in order to advance human rights education and training as a necessary tool for the promotion and protection of human rights, and encourages States to provide, upon request, technical support to countries willing to implement nationally the plans of action adopted in the context of the World Programme on Human Rights Education;

8. *Recognizes* that the adoption of the 2030 Agenda for Sustainable Development, which specifically includes human rights education under Goal 4, target 7, provides an opportunity for promoting human rights education, in accordance with the United Nations Declaration on Human Rights Education and Training and other existing global frameworks for action, including the World Programme for Human Rights Education, coordinated by the Office of the High Commissioner, and the global citizenship education programme of the United Nations Educational, Scientific and Cultural Organization, as well as other regional and national initiatives in the field, and stresses the need to promote synergies among them;

9. *Also recognizes* that the World Programme for Human Rights Education can contribute to the implementation of the 2030 Agenda for Sustainable Development, and encourages the Office of the High Commissioner, in cooperation with the United Nations Educational, Scientific and Cultural Organization, to continue to support States' efforts to implement the 2030 Agenda, including Goal 4, target 7 thereof;

10. *Requests* the Office of the High Commissioner to seek the views of States, national human rights institutions, civil society organizations and other relevant

[30] A/HRC/36/24

[31] A/HRC/35/6.

stakeholders on the target sectors, focus areas or thematic human rights issues for the fourth phase of the World Programme, bearing in mind possible synergies with the 2030 Agenda for Sustainable Development and other relevant initiatives on human rights education and training, and to submit a report thereon to the Human Rights Council at its thirty-ninth session.

39th meeting
28 September 2017

[Adopted without a vote.]

36/13. Mental health and human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights and by all relevant international human rights treaties, in particular, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Reaffirming Human Rights Council resolution 32/18 of 1 July 2016 on mental health and human rights and Council resolutions on the rights of persons with disabilities,

Welcoming the Sustainable Development Goals, including Goal 3, on ensuring healthy lives and promoting well-being for all at all ages, its specific and interlinked targets and its close interlinkages with Goal 1, on eradicating poverty, and Goal 10, on reducing inequalities,

Underscoring that the full realization of human rights and fundamental freedoms for all contributes to the efforts to implement the Sustainable Development Goals, while recognizing that, inter alia, discrimination, stigma, corruption, violence and abuse are major obstacles in this regard,

Underscoring also that the implementation of the Sustainable Development Goals contributes to the full realization of human rights and fundamental freedoms for all,

Reaffirming that all human rights are universal, indivisible, interrelated, interdependent and mutually reinforcing,

Reaffirming also that all human beings are born free and equal in dignity and rights, and recognizing that these rights derive from the inherent dignity of the human person,

Reaffirming further that everyone has the right to life, liberty and security of person, the equal right to live independently and be included in the community and the right to equal recognition before the law, and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the general principles reflected in the Convention on the Rights of Persons with Disabilities, namely respect for inherent dignity, individual autonomy and independence, and full and effective participation and inclusion in society,

Reaffirming the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, and emphasizing that mental health is an integral part of that right,

Taking note of the work of the treaty bodies in relation to issues of mental health and human rights, including in the context of their general comments, in particular Committee on the Rights of Persons with Disabilities general comment No. 5 (2017) on living independently and being included in the community,

Reaffirming the right of everyone to be guaranteed the full enjoyment of their human rights and fundamental freedoms, without discrimination of any kind,

Deeply concerned that persons with mental health conditions or psychosocial disabilities, in particular persons using mental health services, may be subject to, inter alia, widespread discrimination, stigma, prejudice, violence, abuse, social exclusion and segregation, unlawful or arbitrary institutionalization, overmedicalization and treatment practices that fail to respect their autonomy, will and preferences,

Equally concerned that such practices may constitute or lead to violations and abuses of their human rights and fundamental freedoms, sometimes amounting to torture or other cruel, inhuman, or degrading treatment or punishment, and conscious that greater commitment is needed to address all remaining challenges in this regard,

Recognizing the need to protect, promote and respect all human rights in the global response to mental health-related issues, and stressing that mental health and community services should integrate a human rights perspective so as to avoid any harm to persons using them and to respect their dignity, integrity, choices and inclusion in the community,

Concerned at the instances of multiple, intersecting and aggravated forms of discrimination, stigma, violence and abuses that affect the enjoyment of human rights in the context of mental health, and recalling how important it is for States to adopt, implement, update, strengthen or monitor, as appropriate, laws, policies and practices to eradicate any form of discrimination, stigma, violence and abuse in this regard,

Recognizing the particularly important role that psychiatry and other mental health professions should have, alongside, inter alia, government institutions and services, actors within the justice system, including the penitentiary system, civil society organizations and national human rights institutions, in taking measures to ensure that practices in the field of mental health do not perpetuate stigma and discrimination or lead to violations or abuses of human rights,

Acknowledging that the Convention on the Rights of Persons with Disabilities laid the foundation for a paradigm shift in mental health and created the momentum for deinstitutionalization and the identification of a model of care based on respect for human rights that, inter alia, addresses the global burden of obstacles in mental health, provides effective mental health and community-based services and respects the enjoyment of legal capacity on an equal basis with others,

Reaffirming that the right to the enjoyment of the highest attainable standard of physical and mental health is an inclusive right, and reaffirming also the need to address issues related to health care and to the underlying determinants of health in this context,

Recalling that, according to the Constitution of the World Health Organization, health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity,

Concerned that there is a continuing lack of parity between physical and mental health reflected in the marginalization of mental health within health policies and budgets or in medical education, research and practice, and stressing the importance of investing more on mental health promotion through a multisectoral approach that is based on respect for human rights and that also addresses the underlying social, economic and environmental determinants of mental health,

Underscoring that States should ensure that persons with mental health conditions or psychosocial disabilities, in particular persons using mental health services, have access to a range of support services that are based on respect for human rights in order to live independently, be included in the community, exercise their autonomy and agency, participate meaningfully in and decide upon all matters affecting them and have their dignity respected, on an equal basis with others,

Reaffirming the right of refugees and migrants to the enjoyment of the highest attainable standard of physical and mental health, and underscoring the vulnerable situations that can have a negative impact on the mental health of persons on the move,

Recognizing that women and girls with mental health conditions or psychosocial disabilities at all ages, in particular those using mental health services, face an increased vulnerability to violence, abuse, discrimination and negative stereotyping, and underscoring the need to take all appropriate measures to ensure access to mental health and community services that are gender-sensitive,

Acknowledging that the multiple or aggravated forms of discrimination, stigma, violence and abuse often faced by people living with, presumed to be living with or affected by HIV/AIDS and by members of key populations have negative consequences on their enjoyment of the highest attainable standard of mental health,

Convinced that the Human Rights Council, in fulfilling its responsibility for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner, has an important role to play in the area of mental health and human rights, to foster constructive international dialogue and cooperation, and to promote human rights education and learning, and also advisory services, technical assistance, capacity-building and awareness-raising,

Acknowledging the leadership of the World Health Organization in the field of health and also the work that it has carried out to date to, inter alia, integrate a human rights perspective into mental health, and recalling the commitment of States to achieve this through the implementation of the Organization's comprehensive mental health action plan 2013-2020,

1. *Takes note with appreciation* of the report of the United Nations High Commissioner for Human Rights on mental health and human rights;[32]

2. *Also takes note with appreciation* of the report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health on the right of everyone to mental health;[33]

3. *Further takes note with appreciation* of the report of the Special Rapporteur on the rights of person with disabilities on the provision of different forms of rights-based support for persons with disabilities, including access to adequate decision-making support when seeking to make informed health-related choices;[34]

4. *Reaffirms* the obligation of States to protect, promote and respect all human rights and fundamental freedoms and to ensure that policies and services related to mental health comply with international human rights norms;

5. *Urges* States to take active steps to fully integrate a human rights perspective into mental health and community services, and to adopt, implement, update, strengthen or monitor, as appropriate, all existing laws, policies and practices with a view to eliminating all forms of discrimination, stigma, prejudice, violence, abuse, social exclusion and segregation within that context, and to promote the right of persons with mental health conditions or psychosocial disabilities to full inclusion and effective participation in society, on an equal basis with others;

6. *Also urges* States to address the underlying social, economic and environmental determinants of health and to address holistically the range of barriers arising from inequality and discrimination that impede the full enjoyment of human rights in the context of mental health;

7. *Encourages* States to take concrete steps towards recognizing the importance of addressing mental health by, inter alia, promoting the participation of all stakeholders in the development of public policies in this regard, promoting prevention and training programmes for social, health and other relevant professionals, integrating mental health services into primary and general health care, and providing effective mental health and other community-based services that protect, promote and respect the enjoyment of the rights to liberty and security of person and to live independently and be included in the community, on an equal basis with others;

8. *Calls upon* States to abandon all practices that fail to respect the rights, will and preferences of all persons, on an equal basis, and that lead to power imbalances, stigma and discrimination in mental health settings;

9. *Urges* States to develop community-based, people-centred services and supports that do not lead to overmedicalization and inappropriate treatments in, inter alia,

[32] A/HRC/34/32.
[33] A/HRC/35/21.
[34] A/HRC/34/58.

the fields of clinical practice, policy, research, medical education and investment, and that do not fail to respect the autonomy, will and preferences of all persons;

10. *Calls upon* States to take all the measures necessary to ensure that health professionals provide care of the same quality to persons with mental health conditions or psychosocial disabilities, in particular persons using mental health services, as to others, including on the basis of free and informed consent by, inter alia, raising awareness of the human rights, dignity, autonomy and needs of these persons through training and the promulgation of ethical standards for public and private health care;

11. *Strongly encourages* States to support persons with mental health conditions or psychosocial disabilities to empower themselves in order to know and demand their rights, including through health and human rights literacy, to provide human rights education and training for health workers, police, law enforcement officers, prison staff and other relevant professions, with a special focus on non-discrimination, free and informed consent and respect for the will and preferences of all, confidentiality and privacy, and to exchange best practices in this regard;

12. *Encourages* States to promote the effective, full and meaningful participation of persons with mental health conditions or psychosocial disabilities and their organizations in the design, implementation and monitoring of law, policies and programmes relevant to realizing the right of everyone to the enjoyment of the highest attainable standard of mental health;

13. *Recognizes* the need to promote the mainstreaming of a human rights perspective into mental health in all relevant public policies;

14. *Encourages* States to provide technical support and capacity-building through international cooperation to countries that develop and implement policies, plans, laws and services that promote and protect the human rights of persons with mental health conditions or psychosocial disabilities, in accordance with the present resolution, in consultation with and with the consent of the countries concerned;

15. *Requests* the High Commissioner to organize a consultation lasting one and a half days, no later than during the seventy-first session of the World Health Assembly, to discuss all relevant issues and challenges pertaining to the fulfilment of a human rights perspective in mental health, the exchange of best practices and the implementation of technical guidance in this regard, including the initiatives of the World Health Organization on mental health and human rights, such as QualityRights;

16. *Also requests* the High Commissioner to provide the above-mentioned consultation with all the services and facilities necessary to fulfil its activities, including by making the discussions fully accessible to persons with disabilities;

17. *Further requests* the High Commissioner to invite to the consultation Member States and all other stakeholders, including relevant United Nations bodies, agencies, funds and programmes, in particular the World Health Organization, the special procedures, in particular the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on the rights of persons with disabilities and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the treaty bodies, national human rights institutions and civil society, including persons with mental health conditions or psychosocial disabilities, in particular persons using mental health services, and their organizations;

18. *Requests* the High Commissioner to prepare a report on the outcome of the consultation, to be presented to the Human Rights Council at its thirty-ninth session, in which he identifies strategies to promote human rights in mental health and to eliminate discrimination, stigma, violence, coercion and abuse in this regard, including through education and the training of all stakeholder groups;

19. *Decides* to remain seized of the matter.

39th meeting
28 September 2017

[Adopted without a vote.]

36/14. Human rights and indigenous peoples

The Human Rights Council,

Recalling all relevant General Assembly, Commission on Human Rights and Human Rights Council resolutions on human rights and indigenous peoples,

Reaffirming its support for the United Nations Declaration on the Rights of Indigenous Peoples, adopted by the General Assembly in its resolution 61/295 of 13 September 2007,

Recognizing that, for the past 10 years, the United Nations Declaration on the Rights of Indigenous Peoples has influenced positively the drafting of several constitutions and statutes at the national and local levels and contributed to the progressive development of international and domestic legal frameworks and policies as it applies to indigenous peoples,

Appreciating the current efforts towards the promotion, protection and fulfilment of the rights of indigenous peoples, recalling the commitment made by the General Assembly at the World Conference of Indigenous Peoples to consider ways to enhance the participation of indigenous peoples' representatives and institutions in meetings of relevant United Nations bodies on issues affecting them, and welcoming resolution 71/321, adopted by the Assembly on 8 September 2017,

Recalling the adoption in September 2014 of the outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples,[35]

Taking note with appreciation of the study of the Expert Mechanism on the Rights of Indigenous Peoples on the theme "Good practices and challenges, including discrimination, in business and in access to financial services by indigenous peoples, in particular indigenous women and indigenous persons with disabilities", submitted to the Human Rights Council at its thirty-sixth session,[36] and encouraging all parties to consider the examples of good practices and recommendations included in the study as practical advice on how to attain the end goals of the United Nations Declaration on the Rights of Indigenous Peoples,

Taking note with appreciation also of the report of the Expert Mechanism entitled "Ten years of the implementation of the United Nations Declaration on the Rights of Indigenous Peoples: good practices and lessons learned — 2007-2017",[37]

Stressing the need to pay particular attention to the rights and special needs of indigenous women, children, young people, elderly persons and persons with disabilities and to intensify efforts to prevent and eliminate violence and multiple and intersecting forms of discrimination in this regard, as set out in the United Nations Declaration on the Rights of Indigenous Peoples and the outcome document of the World Conference,

Recalling the adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169) by the International Labour Organization, and its important contribution to the promotion and protection of the rights of indigenous peoples,

1. *Welcomes* the report of the United Nations High Commissioner for Human Rights on the rights of indigenous peoples,[38] and requests the High Commissioner to continue to submit to the Human Rights Council an annual report on the rights of indigenous peoples containing information on relevant developments in human rights bodies and mechanisms and the activities undertaken by the Office of the High Commissioner at Headquarters and in the field that contribute to the promotion of, respect for and the full application of the provisions of the United Nations Declaration on the Rights of Indigenous Peoples, and follow-up on the effectiveness of the Declaration;

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[35] General Assembly resolution 69/2.

[36] A/HRC/36/53.

[37] A/HRC/36/56.

[38] A/HRC/36/22.

2. *Also welcomes* the work of the Special Rapporteur on the rights of indigenous peoples, including the official visits made and her reports, and encourages all Governments to respond favourably to her requests for visits;

3. *Further welcomes* the work of the Expert Mechanism on the Rights of Indigenous Peoples, and the report on its tenth session,[39] and its intersessional activities, including the intersessional meetings held in Ottawa and in Khanti-Mansi Autonomous Okrug-Yugra, Russian Federation, in March 2017;

4. *Encourages* States to participate actively in the sessions of the Expert Mechanism and to engage in dialogue with it, including during its intersessional activities;

5. *Notes* that the next study of the Expert Mechanism, to be finalized by its eleventh session, will focus on the theme of free, prior and informed consent as reflected in the United Nations Declaration on the Rights of Indigenous Peoples;

6. *Welcomes* the proposal by the Expert Mechanism to the Human Rights Council that further efforts be made to facilitate the participation of indigenous peoples' representatives and institutions in the work of the Council, in particular the dialogue with the Expert Mechanism and the Special Rapporteur and in the annual half-day discussion on the rights of indigenous peoples, and also welcomes the encouragement of the General Assembly to the relevant United Nations bodies, in accordance with their respective rules of procedure, to facilitate the participation of indigenous peoples' representatives and institutions in relevant meetings on issues affecting them;

7. *Decides*, in accordance with paragraph 14 of Human Rights Council resolution 18/8 of 29 September 2011, that the theme of the annual half-day panel discussion on the rights of indigenous peoples to be held during the thirty-ninth session of the Council will be on the means of participation for and the inclusion of indigenous peoples in the development of strategies and projects, and the implementation of those projects in the context of the 2030 Agenda for Sustainable Development and related Goals, and requests the Office of the High Commissioner to make the discussions fully accessible to persons with disabilities, and to prepare a summary report on the discussion and to submit it to the Council prior to its forty-first session;

8. *Encourages* States to give due consideration to the rights of indigenous peoples and the multiple and intersecting forms of discrimination faced by indigenous peoples and individuals in fulfilling the commitments undertaken in the 2030 Agenda and in the elaboration of relevant international and regional programmes, as well as national action plans, strategies and programmes, applying the principle of leaving no one behind;

9. *Encourages* the Special Rapporteur, the Permanent Forum on Indigenous Issues and the Expert Mechanism to strengthen their ongoing cooperation and coordination and ongoing efforts to promote the rights of indigenous peoples and the United Nations Declaration on the Rights of Indigenous Peoples, including the follow-up to the World Conference, and invites them to continue to work in close cooperation with all Human Rights Council mechanisms within their respective mandates;

10. *Reaffirms* that the United Nations treaty bodies are important mechanisms for the promotion and protection of human rights, and encourages States to give serious consideration to their recommendations, including those regarding indigenous peoples;

11. *Welcomes* the contribution of the universal periodic review to the realization of the rights of indigenous peoples, encourages effective follow-up to accepted review recommendations concerning indigenous peoples, and invites States to include, as appropriate, information on the situation of the rights of indigenous peoples, including measures taken to pursue the objectives of the United Nations Declaration on the Rights of Indigenous Peoples during the review;

12. *Encourages* States that have endorsed the United Nations Declaration on the Rights of Indigenous Peoples to adopt measures to pursue its objectives in consultations and cooperation with indigenous peoples;

[39] A/HRC/36/57.

13. *Calls upon* States that that have not yet ratified or acceded to the Indigenous and Tribal Peoples Convention, 1989 (No. 169) of the International Labour Organization to consider doing so;

14. *Welcomes* the role of national human rights institutions established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in advancing indigenous issues, and recognizes the importance for such institutions of developing and strengthening their capacities, as appropriate, to fulfil that role effectively;

15. *Encourages* States, according to their relevant national context and characteristics, to collect and disseminate data disaggregated by ethnicity, income, gender, age, race, migratory status, disability, geographic location or other factors, as appropriate, in order to monitor and improve the impact of development policies, strategies and programmes aimed at improving the well-being of indigenous peoples and individuals, and to combat and eliminate violence and multiple and intersecting forms of discrimination against them;

16. *Welcomes* the agreed conclusions of the Commission on the Status of Women adopted at its sixty-first session, in which the Commission called for measures to be taken to promote the economic empowerment of indigenous women, including by ensuring access to quality and inclusive education and through meaningful participation in the economy by addressing the multiple and intersecting forms of discrimination and barriers they face, including violence, and to promote their participation in relevant decision-making processes at all levels and in all areas, while respecting and protecting their traditional and ancestral knowledge, and noting the importance for indigenous women and girls of the United Nations Declaration on the Rights of Indigenous Peoples, and encourages States to give serious consideration to the above-mentioned recommendations, as appropriate;

17. *Also welcomes* the proclamation by the General Assembly that 2019 will be the International Year of Indigenous Languages,[40] and encourages States to participate actively in the organization and implementation of activities relating to the International Year and to uphold the spirit of the International Year by taking measures to promote and protect the right of indigenous peoples to preserve and develop their languages;

18. *Notes* the activity of the United Nations Indigenous Peoples Partnership and the system-wide action plan for ensuring a coherent approach to achieving the ends of the United Nations Declaration on the Rights of Indigenous Peoples, and invites States and other potential donors to support it;

19. *Urges* States and invites other public and/or private actors or institutions to contribute to the United Nations Voluntary Fund for Indigenous Peoples as an important means of promoting the rights of indigenous peoples worldwide and within the United Nations system;

20. *Decides* to continue its consideration of this question at a future session in conformity with its annual programme of work.

39th meeting
28 September 2017

[Adopted without a vote.]

36/15. Mandate of the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

The Human Rights Council,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the

[40] See General Assembly resolution 71/178.

International Covenant on Civil and Political Rights, the Vienna Declaration and Programme of Action and the Declaration on the Right to Development,

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolution 5/1 on institution-building of the Human Rights Council and resolution 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and emphasizing that the mandate holder is to discharge his or her duties in accordance with those resolutions and the annexes thereto,

Recalling also its resolutions 9/1 of 24 September 2008, 18/11 of 29 September 2011, 21/17 of 27 September 2012 and 27/23 of 26 September 2014 and all the resolutions of the Commission on Human Rights on this subject,

Recalling further General Assembly resolution 70/1 of 25 September 2015, welcoming the adoption of the 2030 Agenda for Sustainable Development, including Goal 12, target 12.4, thereof, to achieve, by 2020, the environmentally sound management of chemicals and hazardous wastes throughout their life cycle, in accordance with international standards, and affirming the interlinkages and integrated nature of all the Sustainable Development Goals,

1. *Welcomes* the work carried out, in accordance with his mandate, by the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes, and takes note of his report submitted to the Human Rights Council at its thirty-sixth session;[41]

2. *Takes note* of the guidelines for good practices prepared by the Special Rapporteur as presented in the report, and requests the Special Rapporteur, in accordance with his mandate, to continue to provide detailed, up-to-date information on the adverse consequences that the management and disposal of hazardous substances and wastes in an unlawful manner may have in terms of the full enjoyment of human rights;

3. *Decides* to extend the mandate of the Special Rapporteur for a period of three years, and invites him to report to the Human Rights Council in accordance with its programme of work and annually to the General Assembly;

4. *Encourages* the Special Rapporteur to continue his close cooperation with the United Nations Environment Programme, relevant United Nations specialized agencies, such as the World Health Organization and the International Labour Organization, and the secretariats of the international environmental conventions with a view to mainstreaming human rights into their work and to avoiding duplication;

5. *Urges* the Special Rapporteur to continue his consultations with the competent United Nations agencies and bodies and with the secretariats of the relevant international conventions as part of a multidisciplinary, in-depth approach for addressing existing problems with a view to finding lasting solutions for the management of such substances and wastes so that he may present to the Human Rights Council, in accordance with its programme, annual reports on the implementation of the resolutions that it has adopted, as well as specific recommendations and proposals concerning the steps that should be taken immediately in order to address the adverse implications for human rights of hazardous substances and wastes;

6. *Encourages* all States, United Nations agencies and other relevant international organizations, civil society actors, including non-governmental organizations, as well as the public and the private sector and all other relevant stakeholders to engage in a process of consultation, dialogue and cooperation with the Special Rapporteur to enable him to update, before the end of his mandate, the guidelines for good practices to promote the full enjoyment of human rights by the environmentally sound management and disposal of hazardous substances and wastes;

7. *Requests* the Special Rapporteur to inform States, United Nations agencies and other relevant international organizations, civil society and other stakeholders of the impact on human rights of the environmentally sound management and disposal of

[41] A/HRC/36/41.

hazardous substances and wastes, including in the implementation of the 2030 Agenda for Sustainable Development, to seek views and contributions from Governments, United Nations agencies and other relevant international organizations, civil society and other relevant stakeholders in accordance with his mandate, to investigate national, regional and international efforts in respect of the Sustainable Development Goals and to undertake thematic research on the effective implementation of the 2030 Agenda;

8. *Encourages* the Special Rapporteur, in accordance with his mandate and with support and assistance from the Office of the United Nations High Commissioner for Human Rights, to continue to provide Governments with appropriate opportunities to respond to allegations that are transmitted to him and are referred to in his report and to have their observations reflected in his report to the Human Rights Council;

9. *Reiterates* its appeal to States and other stakeholders to facilitate the work of the Special Rapporteur by providing him with information and inviting him to undertake country visits;

10. *Reiterates* its appeal to the Secretary-General and to the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all necessary assistance for the successful fulfilment of his mandate;

11. *Decides* to continue its consideration of this matter under the same agenda item in accordance with its programme of work.

39th meeting
28 September 2017

[Adopted without a vote.]

36/16. Human rights in the administration of justice, including juvenile justice

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights and all relevant international treaties, including the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, as well as the International Convention for the Protection of All Persons from Enforced Disappearance, and encouraging all States that have not ratified or acceded to the aforementioned treaties to consider doing so expeditiously,

Bearing in mind the numerous other international standards and norms in the field of the administration of justice, in particular of juvenile justice, including the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Guidelines for Action on Children in the Criminal Justice System, the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the Bangalore Principles of Judicial Conduct, the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,

Recalling all resolutions of the Commission on Human Rights, the Human Rights Council, the General Assembly and the Economic and Social Council relevant to the subject, in particular Human Rights Council resolutions 30/7 of 1 October 2015, General

Assembly resolutions 71/188 of 19 December 2016 and Economic and Social Council resolution 2017/19 of 6 July 2017,

Recalling also Human Rights Council resolution 31/13 of 23 March 2016 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, focusing on minorities in the criminal justice system,

Noting with appreciation the work of all special procedures of the Human Rights Council that addresses human rights in the administration of justice in the discharge of their mandates,

Noting with interest the work of all human rights treaty body mechanisms on human rights in the administration of justice, in particular the adoption by the Human Rights Committee of its general comments No. 21 (1992), on humane treatment of prisoners deprived of their liberty, No. 32 (2007), on the right to equality before courts and tribunals and to a fair trial, and No. 35 (2014), on liberty and security of person, noting with interest also the adoption by the Committee on the Rights of the Child of its general comments No. 10 (2007), on children's rights in juvenile justice, and No. 13 (2011), on the right of the child to freedom from all forms of violence, and noting with interest further the adoption by the Committee on the Elimination of Racial Discrimination of its general recommendation No. 31 (2005), on the prevention of racial discrimination in the administration and functioning of the criminal justice system, and the adoption by the Committee on the Elimination of Discrimination against Women of its general recommendation No. 33 (2015), on women's access to justice,

Noting with appreciation the important work in the field of the administration of justice of the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the United Nations Children's Fund, the United Nations Development Programme, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General on Children and Armed Conflict,

Convinced that the independence and impartiality of the judiciary, and the integrity of the judicial system and an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy, and for ensuring that there is no discrimination in the administration of justice, and should therefore be respected in all circumstances,

Underlining the importance of implementing the 2030 Agenda for Sustainable Development, and recognizing the role of its goals relating to gender equality (Goal 5), reducing inequality within and among countries (Goal 10) and the promotion of just, peaceful and inclusive societies (Goal 16) for eliminating discrimination in the administration of justice,

Emphasizing that the right of access to justice for all, including access to legal aid, forms an important basis for strengthening the rule of law through the administration of justice, and acknowledging the contribution of other actors, including lawyers' associations and civil society, in providing legal aid,

Recalling that every State should provide an effective framework in which to pursue remedies to redress human rights violations or grievances and to challenge the lawfulness of detention before a court,

Emphasizing that the social rehabilitation and reintegration of prisoners should be among the essential aims of the criminal justice system so as to ensure, as far as possible, that offenders are willing and able to lead a law-abiding and self-supporting life upon their return to society,

Recognizing the importance of the principle that, except for those lawful limitations that are demonstrably necessitated by incarceration, persons deprived of their liberty retain their non-derogable human rights and all other human rights and fundamental freedoms,

Concerned about the negative impact of overincarceration and overcrowding on the enjoyment of human rights, and acknowledging that overincarceration constitutes one of the major underlying causes of overcrowding,

Underlining that prejudice and discrimination against persons belonging to vulnerable groups in the administration of justice may result in their overincarceration and overrepresentation throughout the criminal justice system, and recognizing the need for States to take measures, within the justice system, particularly the criminal justice system, to prevent discrimination against them and to enhance inclusive and representative institutions,

Aware of the need for special vigilance and safeguards with regard to the specific situation of suspects and offenders who are children, juveniles, women, persons belonging to national or ethnic, religious and linguistic minorities and other persons with increased vulnerability in the administration of justice, in particular while they are deprived of their liberty, and their vulnerability to violence, abuse, injustice and humiliation,

Recognizing that women in detention or imprisonment have certain different needs, including different health-care needs, and in this context noting the importance of gender-sensitive justice systems,

Encouraging continued regional and cross-regional efforts, the sharing of best practices and the provision of technical assistance in the field of juvenile justice, recalling in this regard the holding of the World Congress on Juvenile Justice in Geneva, from 26 to 30 January 2015, and noting with interest its final declaration,

Reaffirming that the best interests of the child must be a primary consideration in all decisions concerning the deprivation of liberty and, in particular, that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and the need to ensure that, if they are arrested, detained or imprisoned, children should be separated from adults to the greatest extent feasible, unless it is considered in the child's best interest not to be,

Reaffirming also that the best interests of the child are an important consideration in all matters concerning the child and related to the sentencing of his or her parents or, where applicable, legal guardians or primary caregivers,

1. *Notes with appreciation* the report of the United Nations High Commissioner for Human Rights on non-discrimination and the protection of persons with increased vulnerability in the administration of justice, in particular in situations of deprivation of liberty and with regard to the causes and effects of overincarceration and overcrowding;[42]

2. *Reaffirms* the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;

3. *Calls upon* States to spare no effort in providing for effective legislative, judicial, social, educative and other relevant mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards, and invites them to assess their national legislation and practice in accordance with those standards;

4. *Invites* States to take into consideration the issue of human rights in the administration of justice in the universal periodic review procedure;

5. *Invites* Governments to include in their efforts to implement the 2030 Agenda for Sustainable Development and their national development plans the administration of justice as an integral part of the development process, and to allocate adequate resources for fair and effective justice systems, including the provision of legal aid services with a view to promoting and protecting human rights, and to address gender inequality, and invites the international community to provide an increased level of both technical and financial assistance to States and to respond favourably to their requests for capacity-building, and enhancement and strengthening of institutions concerned with the administration of justice;

6. *Stresses* the special need for continuous national capacity-building in the field of the administration of justice, including through reform of the judiciary, the police, prosecution and the penal system, as well as juvenile justice reform, and promoting women's effective participation and equal opportunities in the judiciary and a composition of law enforcement bodies that reflects the diversity of the population;

[42] A/HRC/36/28.

7. *Reaffirms* that no one should be unlawfully or arbitrarily deprived of his or her liberty, and notes the principles of necessity and proportionality in this regard;

8. *Calls upon* States to apply individual criminal responsibility and to refrain from detaining persons solely on the basis of their family ties with an alleged offender;

9. *Also calls upon* States to ensure that anyone who is deprived of his or her liberty has prompt access to a competent court with the effective power to determine the lawfulness of the detention, and to order release if the detention or imprisonment is determined not to be lawful by that court, as well as prompt access to legal counsel, in accordance with their international obligations and commitments;

10. *Urges* all States to consider establishing, maintaining or enhancing independent mechanisms with the mandate to monitor all places of detention, including by making unannounced visits, and to hold private interviews without witnesses with all persons deprived of their liberty;

11. *Calls upon* States to ensure a proper file and data management system on prisoners that allows the tracking of the number of persons deprived of their liberty, their detention period, offences or grounds for detention, and developments regarding the prison population, and encourages States to collect other up-to-date, comprehensive and disaggregated data that allow for the identification and prevention of discrimination in the administration of justice and overincarceration;

12. *Recalls* the absolute prohibition of torture and cruel, inhuman or degrading treatment or punishment under international law, and calls upon States to address and prevent detention conditions of persons deprived of their liberty that amount to torture or cruel, inhuman or degrading treatment or punishment;

13. *Calls upon* States to investigate promptly, effectively and impartially all alleged human rights violations and abuses suffered by persons deprived of their liberty, in particular cases involving death, torture and cruel, inhuman or degrading treatment or punishment, to provide effective remedies to the victims, and to ensure that detention administrations cooperate fully with the investigating authority and preserve all evidence;

14. *Encourages* States to address overcrowding in detention facilities by taking effective measures, including by enhancing the availability and use of alternatives to pretrial detention and custodial sentences, access to legal aid, mechanisms for crime prevention, early release and rehabilitation programmes and the efficiency and capacity of the criminal justice system and its facilities, and to make use in this regard of, inter alia, the United Nations Office on Drugs and Crime Handbook on strategies to reduce overcrowding in prisons;

15. *Urges* States to take all necessary measures to prevent and eliminate discrimination in law and in practice against persons belonging to vulnerable groups in the administration of justice that may also result in their overincarceration and overrepresentation throughout the criminal justice process;

16. *Also urges* States to pay special attention to the conditions of detention or imprisonment of persons with increased vulnerability and their particular needs;

17. *Calls upon* States to review penal policies that can contribute to overincarceration and overcrowding, in particular regarding so-called "zero-tolerance policies", such as the application of mandatory pretrial detention and mandatory minimum sentences, especially for minor and/or non-violent crimes;

18. *Urges* States to endeavour to reduce pretrial detention, which should be a measure of last resort and for as short a period as possible, by, inter alia, adopting legislative and administrative measures and policies on its preconditions, limitations, [illegible] and alternatives, and by taking measures aimed at implementing existing legislation, as well as by ensuring access to justice and legal advice and assistance;

19. *Underscores* the particular importance of providing appropriate training in the administration of justice, including for prosecutorial and judicial authorities, with a view to raising awareness of and eliminating prejudice and discrimination, ensuring proportionate sentencing and enhancing the implementation of non-custodial measures at the pretrial and post-conviction stages;

20. *Recognizes* that every child and juvenile alleged as, accused of or recognized as having infringed the law, particularly those who are deprived of their liberty, as well as child victims and witnesses of crimes, should be treated in a manner consistent with his or her rights, dignity and needs, in accordance with international law, bearing in mind relevant international standards on human rights in the administration of justice and taking into account the age, gender, social circumstances and development needs of such children, and calls upon States parties to the Convention on the Rights of the Child to abide strictly by its principles and provisions;

21. *Urges* States to consider applying the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, as appropriate, in the design, implementation, monitoring and evaluation of laws, policies, programmes, budgets and mechanisms aimed at eliminating violence against children in the field of crime prevention and criminal justice, and encourages them to support and to benefit from the programme proposed by the United Nations Office on Drugs and Crime and the United Nations Children's Fund in this regard;

22. *Encourages* States that have not yet integrated children's issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and ensuring compliance with the principle that the deprivation of a child's liberty should only be used as a measure of last resort, for the shortest appropriate period of time, and that such decisions must be subject to periodic review of their continuing necessity and appropriateness, and to avoid, wherever possible, the use of pretrial detention for children;

23. *Urges* States to systematically integrate children's access to justice into justice sector reforms, rule of law initiatives and national planning processes, such as national development plans and justice sector-wide approaches, and to support it through the national budget;

24. *Encourages* States not to set the minimum age of criminal responsibility at too low an age, bearing in mind the emotional, mental and intellectual maturity of the child, and in this respect refers to the recommendation of the Committee on the Rights of the Child to increase their lower minimum age of criminal responsibility, without exception, to 12 years, as the absolute minimum age, and to continue to raise the lower limit to a higher age;

25. *Urges* States to ensure that, under their legislation and practice, neither capital punishment nor life imprisonment are imposed for offences committed by persons under 18 years of age;

26. *Calls upon* States to consider establishing or strengthening existing independent and child-friendly national monitoring and complaints mechanisms so as to contribute to safeguarding the rights of children deprived of their liberty;

27. *Welcomes* the work on the in-depth global study on children deprived of liberty,[c] and encourages Member States, United Nations agencies, funds, programmes and offices, and other relevant stakeholders, to support the elaboration of the study;

28. *Invites* States to provide for human rights training on the administration of justice and juvenile justice, including anti-racist, anti-discrimination, multicultural, gender-sensitive and child rights training, for all judges, lawyers, prosecutors, social workers, immigration, correction and police officers, and other professionals working in the administration of justice;

29. *Also invites* States, upon their request, to benefit from the technical advice and assistance provided by the relevant United Nations agencies and programmes in order to strengthen their national capacities and infrastructures in the field of the administration of justice, including in addressing overcrowding, overincarceration and violence against children in the field of crime prevention and criminal justice;

[c] See General Assembly resolution 69/157, para. 52 (d).

30. *Calls upon* relevant special procedures of the Human Rights Council to pay special attention to questions relating to the effective protection of human rights in the administration of justice, including juvenile justice and the human rights of persons deprived of their liberty, and the causes and effects of overincarceration and overcrowding, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory services and technical assistance measures;

31. *Invites* States, when reviewing progress made in the implementation of the 2030 Agenda for Sustainable Development, to consider the causes and effects of overincarceration and overcrowding, including with regard to non-discrimination and persons with increased vulnerability in the administration of justice;

32. *Calls upon* the United Nations High Commissioner for Human Rights to strengthen advisory services and technical assistance relating to national capacity-building in the field of the administration of justice, in particular juvenile justice;

33. *Requests* the High Commissioner to submit to the Human Rights Council, at its forty-second session, a report on human rights in the administration of justice, in particular on violence, death and serious injury in situations of deprivation of liberty, drawing on the experience of United Nations and regional human rights mechanisms and seeking the views of States, including on their policies and best practices, civil society, and other relevant stakeholders;

34. *Decides* to continue its consideration of this issue under the same agenda item, in accordance with its annual programme of work.

40th meeting
29 September 2017

[Adopted without a vote.]

36/17. The question of the death penalty

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and all other relevant international human rights instruments, and reaffirming that all States must implement their obligations under international human rights law,

Recalling also the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty,

Recalling further General Assembly resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010, 67/176 of 20 December 2012, 69/186 of 18 December 2014 and 71/187 of 19 December 2016 on the question of a moratorium on the use of the death penalty,

Reaffirming the safeguards guaranteeing the protection of persons facing the death penalty set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, and the provisions regarding the implementation of the guidelines contained in Council resolutions 1989/64 of 24 May 1989 and 1996/15 of 23 July 1996,

Recalling all resolutions of the Commission on Human Rights on the question of the death penalty, the last of which was resolution 2005/59 of 20 April 2005,

Recalling also Human Rights Council decision 18/117 of 28 September 2011 on reporting by the Secretary-General on the question of the death penalty, Council resolution 22/11 of 21 March 2013 on a panel on the human rights of children of parents sentenced to the death penalty or executed, Council decision 22/117 of 21 March 2013 on a high-level panel discussion on the question of the death penalty and Council resolutions 26/2 of 26 June 2014 and 30/5 of 1 October 2015 on the question of the death penalty,

Taking note of the reports of the Secretary-General on the question of the death penalty, in the latest of which the Secretary-General examined the disproportionate impact of the use of the death penalty on poor or economically vulnerable individuals, foreign

nationals, individuals exercising the rights to freedom of religion or belief and freedom of expression, and the discriminatory use of the death penalty against persons belonging to racial and ethnic minorities, its discriminatory use based on gender or sexual orientation, and its use against individuals with mental or intellectual disabilities,[44]

Mindful of the work of special procedure mandate holders who have addressed human rights issues related to the death penalty, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the independence of judges and lawyers and the Working Group on the issue of discrimination against women in law and in practice,

Mindful also of the work undertaken by the treaty bodies to address human rights issues related to the death penalty,

Recalling general recommendation No. 35 on gender-based violence against women recently adopted by the Committee on the Elimination of Discrimination against Women, in which the Committee recommended that States parties to the Convention repeal all criminal provisions that affect women disproportionally, including those resulting in the discriminatory application of the death penalty to women,

Recalling also general recommendation No. 31 of the Committee on the Elimination of Racial Discrimination on the prevention of racial discrimination in the administration and functioning of the criminal justice system,

Recognizing the role of regional and subregional instruments and initiatives towards the abolition of the death penalty, which in some cases have led to the prohibition of the use of the death penalty,

Welcoming the fact that many States are applying a moratorium on the use of the death penalty,

Noting that States with different legal systems, traditions, cultures and religious backgrounds have abolished the death penalty or are applying a moratorium on its use,

Strongly deploring the fact that the use of the death penalty leads to violations of the human rights of the persons facing the death penalty and of other affected persons,

Acknowledging the report of the United Nations High Commissioner for Human Rights on the high-level panel discussion on the question of the death penalty,[45] during which it was concluded that a significant number of States hold that the death penalty is a form of torture or other cruel, inhuman or degrading treatment or punishment,

Deploring the fact that, frequently, poor and economically vulnerable persons and foreign nationals are disproportionately subjected to the death penalty, that laws carrying the death penalty are used against persons exercising their rights to freedom of expression, thought, conscience, religion or peaceful assembly and association, and that persons belonging to religious or ethnic minorities are disproportionately represented among those sentenced to the death penalty,

Condemning in particular the use of the death penalty against persons with mental or intellectual disabilities, persons below 18 years of age at the time of the commission of the crime, and pregnant women,

Condemning the imposition of the death penalty as a sanction for specific forms of conduct, such as apostasy, blasphemy, adultery and consensual same-sex relations, and expressing serious concern that the application of the death penalty for adultery is disproportionately imposed on women,

Recalling that, particularly in capital cases, States are required to provide adequate assistance of counsel at every stage of proceedings, including during detention and arrest,

[44] A/HRC/36/26.
[45] A/HRC/36/27.

Emphasizing that access to consular assistance for foreign nationals, provided for in the Vienna Convention on Consular Relations, is an important aspect of the protection of those facing the death penalty abroad,

Emphasizing also that lack of transparency in the use of the death penalty has direct consequences for the human rights of the persons sentenced to death as well as for other affected persons,

Acknowledging the interest in studying the question of the death penalty, as well as in holding local, national, regional and international debates related thereto,

1. *Urges* all States to protect the rights of persons facing the death penalty and other affected persons by complying with their international obligations, including the rights to equality and non-discrimination;

2. *Calls upon* States that have not yet acceded to or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty to consider doing so;

3. *Calls upon* States that have not yet abolished the death penalty to ensure that it is not applied on the basis of discriminatory laws or as a result of discriminatory or arbitrary application of the law;

4. *Calls upon* States to ensure that all accused persons, in particular poor and economically vulnerable persons, can exercise their rights related to equal access to justice, to ensure adequate, qualified and effective legal representation at every stage of civil and criminal proceedings in capital punishment cases through effective legal aid, and to ensure that those facing the death penalty can exercise their right to seek pardon or commutation of their death sentence;

5. *Urges* States that have not yet abolished the death penalty to ensure that the death penalty is not applied against persons with mental or intellectual disabilities and persons below 18 years of age at the time of the commission of the crime, as well as pregnant women;

6. *Also urges* States that have not yet abolished the death penalty to ensure that it is not imposed as a sanction for specific forms of conduct such as apostasy, blasphemy, adultery and consensual same-sex relations;

7. *Calls upon* States to comply with their obligations under article 36 of the Vienna Convention on Consular Relations, and to inform foreign nationals of their right to contact the relevant consular post;

8. *Also calls upon* States to undertake further studies to identify the underlying factors that contribute to the substantial racial and ethnic bias in the application of the death penalty, where they exist, with a view to developing effective strategies aimed at eliminating such discriminatory practices;

9. *Calls upon* States that have not yet abolished the death penalty to make available relevant information, disaggregated by gender, age, nationality and other applicable criteria, with regard to their use of the death penalty, inter alia, the charges, number of persons sentenced to death, the number of persons on death row, the number of executions carried out and the number of death sentences reversed, commuted on appeal or in which amnesty or pardon has been granted, as well as information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States with regard to the use of the death penalty;

10. *Requests* the Secretary-General to dedicate the 2019 supplement to his quinquennial report on capital punishment to the consequences arising at various stages of the imposition and application of the death penalty on the enjoyment of the human rights of persons facing the death penalty and other affected persons, paying specific attention to the impact of the resumption of the use of the death penalty on human rights, and to present it to the Human Rights Council at its forty-second session;

11. *Decides* that the upcoming biennial high-level panel discussion to be held at the fortieth session of the Human Rights Council will address the human rights violations

related to the use of the death penalty, in particular with respect to the rights to non-discrimination and equality;

12. *Requests* the Office of the United Nations High Commissioner for Human Rights to organize the high-level panel discussion and to liaise with States, relevant United Nations bodies, agencies, treaty bodies, special procedures and regional human rights mechanisms, as well as with parliamentarians, civil society, including non-governmental organizations, and national human rights institutions with a view to ensuring their participation in the panel discussion;

13. *Also requests* the Office of the High Commissioner to prepare a summary report on the panel discussion and to submit it to the Human Rights Council at its forty-second session;

14. *Decides* to continue its consideration of this issue in accordance with its programme of work.

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[Adopted by a recorded vote of 27 to 13, with 7 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Bolivia (Plurinational State of), Brazil, Congo, Côte d'Ivoire, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Kyrgyzstan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Rwanda, Slovenia, South Africa, Switzerland, Togo, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

Bangladesh, Botswana, Burundi, China, Egypt, Ethiopia, India, Iraq, Japan, Qatar, Saudi Arabia, United Arab Emirates, United States of America

Abstaining:

Cuba, Indonesia, Kenya, Nigeria, Philippines, Republic of Korea, Tunisia]

36/18. Conscientious objection to military service

The Human Rights Council,

Bearing in mind that everyone is entitled to all the rights and freedoms set forth in the Universal Declaration of Human Rights without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming that it is recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights that everyone has the right to life, liberty and security of person, as well as the right to freedom of thought, conscience and religion and the right not to be discriminated against,

Recalling all previous relevant resolutions and decisions, including Human Rights Council resolutions 20/2 of 5 July 2012 and 24/17 of 27 September 2013 and Commission on Human Rights resolutions 1998/77 of 22 April 1998 and 2004/35 of 19 April 2004, in which the Commission recognized the right of everyone to have conscientious objection to military service as a legitimate exercise of the right to freedom of thought, conscience and religion, as laid down in article 18 of the Universal Declaration of Human Rights, article 18 of the International Covenant on Civil and Political Rights and Human Rights Committee general comment No. 22 (1993) on the right to freedom of thought, conscience and religion,

1. *Takes note* of the analytical report on conscientious objection to military service presented by the Office of the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-fifth session,[46] pursuant to resolution 20/2;

[46] A/HRC/35/4.

2. *Requests* the Office of the High Commissioner to prepare, in consultation with all States and the relevant intergovernmental organizations, United Nations agencies, funds and programmes, special procedures, treaty bodies, national human rights institutions and non-governmental organizations, a report on different approaches and challenges with regard to application procedures for obtaining the status of conscientious objector to military service in accordance with human rights standards, and to present the report to the Human Rights Council at its forty-first session;

3. *Decides* to continue consideration of this matter under the same agenda item in accordance with its annual programme of work.

40th meeting
29 September 2017

[Adopted without a vote.]

36/20. The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of the sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Recalling the obligation by parties to the conflict to take all feasible precautions to avoid, and in any event minimize, harm to civilians and civilian objects, including schools and medical facilities as such, and the prohibition on attacking, destroying or rendering useless objects indispensable to the survival of the civilian population, including drinking water installations,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Expressing deep concern about the situation of women, children and internally displaced persons, who remain among the most vulnerable to violence,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, based on the Geneva communiqué of 30 June 2012 as endorsed by the Security Council in its resolutions 2118 (2013) of 27 September 2013, 2254 (2015) of 18 December 2015 and 2268 (2016) of 26 February 2016 and relevant statements of the International Syria Support Group,

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria to facilitate an inclusive and Syrian-led process in accordance with the Geneva communiqué and Security Council resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, in accordance with the aforementioned documents, and urging the Special Envoy to continue to push the parties to negotiate a political transition,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and supporting the efforts of Turkey and the Russian Federation to reduce levels of violence in the Syrian Arab Republic by helping to establish the ceasefire announced on 29 December 2016,

Supporting all efforts to reduce the violence in the Syrian Arab Republic, taking note in particular of the Astana talks, and hoping that the ongoing initiative to establish de-escalation areas in the Syrian Arab Republic will continue to contribute to a sustained reduction in violence,

Demanding that all parties to the ceasefire in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to ensure fulfilment of the ceasefire and to support efforts to render the ceasefire durable and to end violations, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Recalling that, pursuant to Security Council resolution 2165 (2014) of 14 July 2014, all Syrian parties to the conflict shall enable the immediate and unhindered delivery of humanitarian assistance, and stressing that the arbitrary denial of humanitarian access, depriving civilians of objects and assistance indispensable to their survival, including wilfully impeding relief supplies, such as food aid and lifesaving medical supplies, may constitute a war crime,

Recalling also the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Recalling further that deliberate attacks on civilians and civilian objects, such as schools and educational facilities, as well as medical facilities and personnel, may amount to war crimes,

Deeply concerned that attacks upon medical and health personnel, their means of transport and equipment, and hospitals and other medical facilities result in long-lasting consequences, including the loss of life and human suffering, weaken the ability of health systems to deliver essential life-saving services and lead to setbacks for health development,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Calls upon* all Member States, especially members of the International Syria Support Group, to create conditions that foster continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations Office at Geneva, by working to strengthen the nationwide ceasefire, to enable full, immediate and safe humanitarian access, and to lead to the release of detainees, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

2. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic, established by the Human Rights Council in its resolution S-17/1 of 23 August 2011, to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

3. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

4. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating

situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

5. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Da'esh), Al-Nusrah Front and other terrorist organizations designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Da'esh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

6. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Da'esh), in particular the enslavement and sexual abuse and exploitation of women and girls, enforced disappearances and the forced recruitment and abduction of children;

7. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law committed by all parties to the conflict, including against women and children and persons with disabilities;

8. *Urges* all parties to the conflict, particularly the Syrian authorities and their allies, not to commit indiscriminate attacks against the civilian population and civilian facilities, including against medical facilities, personnel and transport, schools and humanitarian workers, and also urges all parties to the conflict to comply with their obligations under international humanitarian law and to respect international human rights law;

9. *Strongly condemns* all attacks on medical and health personnel, their means of transport and equipment, as well as hospitals and other medical facilities, and deplores the long-term consequences of such attacks for the population and health-care systems of the Syrian Arab Republic;

10. *Also strongly condemns* the attacks against hospitals and civilian objects, such as schools, as reported by the Commission of Inquiry,[47] and urges the Syrian authorities to refrain from actions that impede children's access to education, which is of vital importance for their protection and development;

11. *Expresses its profound concern* at the findings of the Commission of Inquiry in its report on Aleppo,[47] including those suggesting that the offensive against eastern Aleppo in the second half of 2016 involved serious violations and abuses of international human rights law and violations of international humanitarian law by all parties to the conflict, which, according to the Commission, in many cases amounted to war crimes, in particular by the Syrian authorities and their allies, including the Urum al-Kubra attack;

12. *Urges* all parties to the conflict to heed the recommendations made by the Commission of Inquiry in its report, including the need to comply with their respective obligations under international human rights and international humanitarian law, including refraining from disproportionate and indiscriminate attacks;

13. *Strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry and those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

14. *Also strongly condemns* the reported killing of detainees in Syrian Military Intelligence facilities, in particular in the Mezzeh airport detention facility, and Military Security Branches 215, 227, 235, 248 and 291, as well as the reported killing of detainees at military hospitals, including Tishreen and Harasta, and expresses deep concern at reports that the regime used a crematorium to conceal a mass killing of prisoners at the Saydnaya penitentiary complex;

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[47] See A/HRC/34/64 and A/HRC/34/CRP.3.

15. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and, in particular, to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014);

16. *Condemns* the denial of medical services in all prisons and detention facilities;

17. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families;

18. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees, and for the Syrian authorities to publish a list of all detention facilities;

19. *Calls upon* all parties to the conflict to cease the mistreatment and torture of detainees and to allow access to medical services for all detainees;

20. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

21. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to other States or non-State actors,[48] and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

22. *Expresses grave concern* at the use of sarin in Khan Shaykhun on 4 April 2017, resulting in approximately 100 fatalities, and the use of sulphur mustard in Umm Hawsh on 16 September 2016, as concluded by the Organisation for the Prohibition of Chemical Weapons, and looks forward to the results of the investigations into these incidents by the Organisation for the Prohibition of Chemical Weapons-United Nations Joint Investigative Mechanism;

23. *Recalls with grave concern* the report of the Commission of Inquiry identifying the Syrian air force as responsible for the sarin gas attack on Khan Shaykhun on 4 April 2017;[49]

24. *Expresses grave concern* at the reports of the Technical Secretariat of the Organisation for the Prohibition of Chemical Weapons of July 2016, March 2017 and July 2017, according to which the Technical Secretariat was not able to verify that the Syrian declaration regarding its chemical weapons programme was accurate and complete, and calls upon the Syrian Arab Republic to cooperate fully with the Organisation to further clarify remaining gaps, inconsistencies and discrepancies in its declaration;

25. *Recalls* the reports of the Joint Investigative Mechanism of 24 August and 21 October 2016,[50] and expresses grave concern at its findings that the Syrian armed forces were responsible for the use of chemical weapons (chlorine) in three attacks in the Syrian Arab Republic — in Tallmannis in 2014 and in Qaminas and Sarmin in 2015 — and that the so-called Islamic State in Iraq and the Levant (Da'esh) was responsible for one sulphur mustard attack in the Syrian Arab Republic, in Marea in 2015;

26. *Condemns in the strongest possible terms* the use of chemical weapons in the Syrian Arab Republic, as reported by the Joint Investigative Mechanism, which violates the Chemical Weapons Convention, Security Council resolution 2118 (2013), and the decisions of the Executive Council of the Organisation, including decision EC-M-33/DEC.1, as well as the use of chemical weapons in contravention of well-established international standards and norms against such use, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable;

[48] See Security Council resolution 2235 (2015).

[49] See A/HRC/36/55.

[50] See S/2016/738/Rev.1 and S/2016/888.

27. *Demands* that all parties identified in the reports of the Joint Investigative Mechanism as having been involved in the use of toxic chemicals as weapons desist immediately from any further use;

28. *Strongly condemns* the use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

29. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic and its alarming impact on the demography of the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes and crimes against humanity;

30. *Also condemns* the Syrian authorities' indiscriminate use of heavy weapons and aerial bombardments, including cluster munitions, incendiary weapons, ballistic missiles and barrel bombs, and calls for an immediate end to all attacks against medical facilities and personnel, and civilians and civilian infrastructure, including civilian transportation and educational facilities;

31. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and all violations and abuses of international human rights law;

32. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation, including the indiscriminate use of car and suicide bombs, snipers and hostage-taking;

33. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

34. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra and Aleppo and the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

35. *Affirms* that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

36. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts, including decision-making, with the aim of finding a political solution to the conflict in the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013, 2254 (2015), 2268 (2016), 2332 (2016) of 21 December 2016 and 2336 (2016), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks in order to ensure that all resulting peacebuilding efforts are gender-responsive and consider the differential impact of conflict on women and girls, and their specific needs and interests;

37. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes in which the State is unwilling or unable to genuinely carry out investigations or prosecutions;

38. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent national, regional or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

39. *Welcomes* the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 by the General Assembly in its resolution 71/248 of 21 December 2016,

and the recent appointment of the Head of the Mechanism, and stresses its mandate to cooperate closely with the Commission of Inquiry in all aspects of its work;

40. *Invites* Member States to support actively the International, Impartial and Independent Mechanism, including by considering the provision of information and data on the most serious crimes under international law committed in the Syrian Arab Republic, and to provide adequate financial means for its functioning;

41. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, and reparations and effective remedies for victims;

42. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bringing about reconciliation and sustainable peace;

43. *Expresses deep concern* for the more than 6 million internally displaced persons and 5.1 million refugees in the region fleeing the violence in the Syrian Arab Republic, welcomes the efforts of neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

44. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

45. *Expresses deep concern* at the plight of the approximately 4.5 million Syrians living in besieged and hard-to-reach areas in the Syrian Arab Republic, whose needs are particularly acute and who require full, immediate and safe humanitarian access;

46. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and humanitarian actors, and that they ensure that the delivery of humanitarian aid reaches all those in need, including in hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014), 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015 and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

47. *Strongly condemns* the Syrian authorities' removal of humanitarian aid from United Nations approved convoys, including medical aid and supplies intended to reach desperate populations deprived of food, medical aid and vital necessities;

48. *Welcomes* the progress made since 2013 by the international conferences on supporting the Syrian Arab Republic and the region in Kuwait City and London, and the follow-up conference in Brussels on 5 April 2017 hosted by the European Union, the United Kingdom of Great Britain and Northern Ireland, Kuwait, Qatar, Germany, Norway and the United Nations, which reaffirmed international support for the United Nations-led intra-Syrian talks in Geneva, secured pledges totalling 6 billion United States dollars for 2017 and 3.7 billion dollars for 2018-2020 for humanitarian needs in the Syrian Arab Republic and the region, renewed commitment to supporting the resilience of host communities and refugees in Jordan, Lebanon, Turkey, Egypt and Iraq, and underlined the need to protect civilians and respect international human rights law and international humanitarian law;

49. *Renews* its call upon all members of the international community to respond expeditiously to the Syrian 2017 humanitarian appeals and to deliver in full all pledges, including multi-year pledges made at the Brussels conference;

50. *Notes* those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and also encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

51. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situations in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, in which all citizens receive equal protection regardless of gender, religion or ethnicity;

52. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

53. *Expresses deep concern* at the Commission of Inquiry's conclusion that children throughout the Syrian Arab Republic remain disproportionately vulnerable to violence and abuse, and that children suffer as a consequence of attacks against civilians, lack of access to education and their recruitment for use as child soldiers;

54. *Decides* to convene a high-level panel discussion on violations of the human rights of children in the Syrian Arab Republic at the thirty-seventh session of the Human Rights Council, in consultation with the Commission of Inquiry, with a specific focus on attacks against children, including attacks on schools and hospitals and denial of humanitarian access, featuring witness testimony and Syrian voices, including children's views through appropriate and safe means, and requests the Office of the United Nations High Commissioner for Human Rights to liaise with States and all stakeholders, including relevant United Nations agencies, funds and programmes, special procedures of the Council, national human rights institutions and civil society, with a view to ensuring their participation in the panel discussion;

55. *Requests* the Office of the High Commissioner to prepare a summary report on the high-level panel discussion, to be presented to the Human Rights Council at its thirty-eighth session;

56. *Decides* to remain seized of the matter.

40th meeting
29 September 2017

[Adopted by a recorded vote of 27 to 7, with 13 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Brazil, Côte d'Ivoire, Croatia, El Salvador, Georgia, Germany, Ghana, Hungary, Japan, Latvia, Netherlands, Panama, Paraguay, Portugal, Qatar, Republic of Korea, Rwanda, Saudi Arabia, Slovenia, Switzerland, Togo, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America

Against:

Bolivia (Plurinational State of), Burundi, China, Cuba, Iraq, Philippines, Venezuela (Bolivarian Republic of)

Abstaining:

Bangladesh, Congo, Ecuador, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Mongolia, Nigeria, South Africa, Tunisia]

36/21. Cooperation with the United Nations, its representatives and mechanisms in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2 on the Code of Conduct for Special Procedures Mandate Holders of the Human Rights Council, of 18 June 2007,

Recalling also General Assembly resolution 65/281 of 17 June 2011, in which the Assembly adopted the text entitled "Outcome of the review of the work and functioning of the Human Rights Council", and in particular paragraph 30 of the outcome document, in which the Human Rights Council strongly rejected any act of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and urged States to prevent and ensure adequate protection against such acts,

Recalling further all previous Human Rights Council resolutions and decisions on this topic,

Taking note with appreciation of the reports of the Secretary-General on this question, and in particular noting with concern the worsening incidence, severity and scope of cases of intimidation and reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations,

Reiterating that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue, and be aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all people,

Welcoming the designation of the Assistant Secretary-General for Human Rights by the Secretary-General as senior official to lead the efforts within the United Nations system to address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations on human rights,

Welcoming also the different roles of the Secretary-General, the United Nations High Commissioner for Human Rights and the President of the Human Rights Council in supporting cooperation with the United Nations, its representatives and mechanisms in the field of human rights, and in that context addressing, as appropriate, including in a public manner, acts of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations in this regard,

Noting with appreciation the work done by the special procedures, including the development of standard operating procedures on the topic and the appointment of a focal point on the matter by members of the Coordination Committee of Special Procedures, and the inclusion of a dedicated section on reprisals in the annual report of special procedures presented to the Human Rights Council at every March session, as well as the increased attention given by treaty bodies to preventing and addressing acts of intimidation or reprisal, in particular by the adoption and implementation of specific guidelines and the appointment by a number of treaty bodies of a rapporteur on reprisals,

Noting with appreciation also the role that regional mechanisms can play, where appropriate, in preventing and addressing acts of intimidation or reprisal, in particular the appointment by the African Commission on Human and Peoples' Rights of a focal point on reprisals,

Reiterating that all States Members of the United Nations, and in particular the States Members of the Human Rights Council, should fully cooperate with the Council and its mechanisms, and affirming that failure to take steps to prevent, investigate and ensure accountability for acts of intimidation or reprisal may be inconsistent with this commitment,

Expressing serious concern at the continued reports of acts of intimidation and reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and at the seriousness of reported reprisals, including violations of the right of the victim to life, liberty and security of person, and violations of obligations under international law prohibiting torture and cruel, inhuman or degrading treatment,

Acknowledging that acts of intimidation or reprisal carried out or tolerated by the State undermine and often violate human rights, and underscoring that States should investigate any alleged act of intimidation or reprisal, ensure accountability and effective remedies and take steps to prevent further acts of intimidation or reprisal,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), and underlining the role that national human rights institutions can play in preventing and addressing cases of

intimidation or reprisal as part of supporting cooperation between their Governments and the United Nations in the promotion of human rights, including by contributing to the prevention of such cases and to follow up actions, as appropriate, to recommendations made by international human rights mechanisms,

Recognizing the work done by the United Nations, including the Office of the United Nations High Commissioner for Human Rights, in examining, verifying and corroborating allegations of acts of intimidation or reprisal, and encouraging it to continue its work in this regard, while underlining the primary importance of continuous constructive dialogue and cooperation with and by the State concerned,

1. *Reaffirms* the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights, including the Human Rights Council, its special procedures, the universal periodic review mechanism and treaty bodies, as well as regional human rights mechanisms, bearing in mind that free and unhindered access to and communication with individuals and civil society are indeed indispensable to enable the United Nations and its mechanisms to fulfil their mandates;

2. *Condemns* all acts of intimidation or reprisal by States and non-State actors against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights;

3. *Urges* all States to prevent and refrain from all acts of intimidation or reprisal against those who:

(*a*) Seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(*b*) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for this purpose;

(*c*) Submit or have submitted communications under procedures established by human rights instruments, and all those who have provided legal or other assistance to them for this purpose;

(*d*) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims;

4. *Urges* States to take all appropriate measures to prevent the occurrence of acts of intimidation or reprisal, including, where necessary, by adopting and consequently implementing specific legislation and policies in order to effectively protect those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights from any act of intimidation or reprisal;

5. *Also urges* States to ensure accountability for any act of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights by ensuring impartial, prompt and thorough investigations of any alleged act of intimidation or reprisal in order to bring the perpetrators to justice, to provide access to effective remedies for victims in accordance with their international human rights obligations and commitments, and to prevent any recurrence;

6. *Welcomes* the efforts made by States to investigate allegations of intimidation or reprisal and to bring perpetrators to justice, and encourages States to continue such efforts;

7. *Encourages* States to provide information, as appropriate, to the Human Rights Council on all measures taken by them to prevent and address acts of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, including on cases mentioned in the reports of the Secretary-General;

8. *Stresses* that information provided by all stakeholders, including civil society, to the United Nations and its representatives and mechanisms in the field of human rights should be credible and reliable, and must be thoroughly checked and corroborated;

9. *Notes* the important work done by the Assistant Secretary-General for Human Rights in relation to the mandate assigned to him by the Secretary-General in October 2016, and in this regard calls upon all States and invites international and regional organizations, human rights mechanisms, such as the special procedures and the treaty bodies, United Nations agencies and bodies, national human rights institutions, civil society and academic institutions to contribute to the fulfilment of these tasks;

10. *Reiterates* its strong rejection of any act of intimidation or reprisal against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and recalls in this regard that the Human Rights Council, its President and the Bureau should address allegations of acts of intimidation or reprisal in the most appropriate way;

11. *Notes* that the Presidents of the Human Rights Council have used their good offices to address allegations of intimidation and reprisal experienced by those engaging with the Council, and encourages the Presidents of the Council to continue to address allegations of intimidation and reprisal and to provide information on cases brought to their attention at each session of the Council;

12. *Invites* United Nations human rights mechanisms to continue to include in their reports to the Human Rights Council and to the General Assembly respectively a reference to credible allegations of intimidation or reprisal against those who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, while providing an appropriate opportunity to the State concerned to respond to the allegations transmitted to them, and to reflect the State's response in their reports;

13. *Decides* that the presentation of the report of the Secretary-General on cooperation with the United Nations, its representatives and mechanisms in the field of human rights will be followed by an interactive dialogue with a view to ensuring adequate attention to the report and to sharing good practices, challenges and lessons learned, based on the principles of cooperation and genuine dialogue, and aimed at strengthening the capacity of Member States to comply with their human rights obligations for the benefit of all people.

41st meeting
29 September 2017

[Adopted by a recorded vote of 28 to 0, with 19 abstentions. The voting was as follows:

In favour:

Albania, Belgium, Botswana, Brazil, Congo, Côte d'Ivoire, Croatia, Ecuador, El Salvador, Georgia, Germany, Ghana, Hungary, Iraq, Japan, Latvia, Mongolia, Netherlands, Panama, Paraguay, Portugal, Republic of Korea, Rwanda, Slovenia, Switzerland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Bangladesh, Bolivia (Plurinational State of), Burundi, China, Cuba, Egypt, Ethiopia, India, Indonesia, Kenya, Kyrgyzstan, Nigeria, Philippines, Qatar, Saudi Arabia, South Africa, Togo, United Arab Emirates, Venezuela (Bolivarian Republic of)]

36/22. Promotion and protection of the human rights of peasants and other people working in rural areas

The Human Rights Council,

Recalling the Universal Declaration of Human Rights,

Determined to foster strict respect for the purposes and principles enshrined in the Charter of the United Nations,

Recalling the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Recalling also the Vienna Declaration and Programme of Action and all other relevant human rights instruments,

Recalling further Human Rights Council resolutions 13/4 of 24 March 2010, 16/27 of 25 March 2011 and 19/7 of 22 March 2012 on the right to food, and in particular Council resolutions 21/19 of 27 September 2012, 26/26 of 27 June 2014 and 30/13 of 1 October 2015 on the promotion and protection of the human rights of peasants and other people working in rural areas,

Underlining the imperative need to achieve the unfinished agenda of the Millennium Development Goals in order to contribute to making the right to development a reality for everyone, and welcoming the 2030 Agenda for Sustainable Development,

Welcoming General Assembly resolution 66/222 of 22 December 2011, in which the Assembly declared 2014 the International Year of Family Farming, and welcoming also its resolution 68/232 of 20 December 2013, in which the Assembly declared 2015 the International Year of Soils, and its resolution 68/231 of 20 December 2013, in which it declared 2016 the International Year of Pulses,

Taking note of general recommendation No. 34 (2016) on the rights of rural women, adopted by the Committee on the Elimination of Discrimination against Women in March 2016,

Recognizing the important contribution of peasants and other people working in rural areas to the fight against hunger and the preservation and improvement of biodiversity, among others, and the need to respect, promote, protect and fulfil their human rights,

Gravely concerned that hunger, like poverty, is still predominantly a rural problem, and that in the rural population it is those who produce food who suffer disproportionately, and alarmed that 75 per cent of people suffering from hunger live in rural areas, particularly in developing countries, and 50 per cent are small-scale and traditional farm holders, as well as subsistence farmers, and that they are especially vulnerable to food insecurity, malnutrition, discrimination and exploitation,

Recognizing that livelihoods in rural areas are disproportionately affected by poverty, climate change, lack of development and lack of access to scientific progress,

Recognizing also that peasants and other people working in rural areas are often disproportionally affected by the adverse impact of business activities,

Convinced of the need to strengthen the protection and realization of the human rights of peasants and other people working in rural areas,

Welcoming the reports of the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas on its third and fourth sessions,[a] held from 17 to 20 May 2016, and from 15 to 19 May 2017, respectively, pursuant to Human Rights Council resolutions 21/19, 26/26 and 30/13, and welcoming the constructive negotiation, broad participation and active engagement of Governments, regional and political groups, civil society, experts, international organizations and intergovernmental organizations and relevant stakeholders, particularly representatives of peasants and other people working in rural areas,

Bearing in mind the development of this issue,

1. *Decides* that the open-ended intergovernmental working group on a United Nations declaration on the rights of peasants and other people working in rural areas shall hold its fifth annual session for five working days before the thirty-eighth session of the Human Rights Council, in accordance with its mandate, to negotiate, finalize and submit to the Council a draft United Nations declaration on the rights of peasants and other people working in rural areas;

2. *Also decides* that the updated version of the draft declaration that will be presented by the Chair-Rapporteur of the working group at its fifth session, taking into consideration the report of the Chair-Rapporteur on the fourth session, and the version of

[a] A/HRC/33/59 and A/HRC/36/58.

the draft declaration resulting from the fifth session will be translated into all official languages of the United Nations;

3. *Requests* the Chair-Rapporteur of the working group to conduct informal consultations during the intersessional periods, as appropriate, with Governments, relevant special procedures of the Human Rights Council, regional groups, intergovernmental organizations, United Nations mechanisms, civil society and representatives of peasants and other people working in rural areas, as well as with other relevant stakeholders and other relevant specialized agencies of the United Nations system;

4. *Requests* the Office of the United Nations High Commissioner for Human Rights to ensure the participation in the fifth session of the working group of up to five expert panellists, including representatives of peasants and other people working in rural areas, civil society and grass-roots organizations from developing countries, in order to contribute to the analysis and interactive dialogues;

5. *Requests* the Secretariat to provide the working group with the human, technical and financial assistance necessary for it to fulfil its mandate, including by providing interpretation for one informal intersessional consultation, and a webcast for the fifth session of the working group;

6. *Invites* States, civil society and all relevant stakeholders, in particular representatives of peasants and other people working in rural areas, to contribute actively and constructively to the work of the working group;

7. *Requests* the working group to submit an annual report on progress made to the Human Rights Council and the General Assembly for their consideration.

41st meeting
29 September 2017

[Adopted by a recorded vote of 34 to 2, with 11 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Albania, Belgium, Croatia, Georgia, Germany, Hungary, Japan, Latvia, Netherlands, Republic of Korea, Slovenia]

36/23. Mandate of the Working Group of Experts on People of African Descent

The Human Rights Council,

Recalling General Assembly resolution 56/266 of 27 March 2002, in which the Assembly endorsed the Durban Declaration and Programme of Action, reaffirming the commitments contained therein with regard to people of African descent; Assembly resolution 57/195 of 18 December 2002, in which the Assembly invited all relevant organs, organizations and bodies of the United Nations system to become involved in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; and all previous Human Rights Council resolutions on the comprehensive follow-up to the World Conference and the effective implementation of the Durban Declaration and Programme of Action,

Recalling also all previous resolutions and decisions of the General Assembly, the Commission on Human Rights and the Human Rights Council on the elimination of racism,

racial discrimination, xenophobia and related intolerance, in particular Commission resolutions 2002/68 of 25 April 2002 and 2003/30 of 23 April 2003, and Council resolutions 9/14 of 18 September 2008, 18/28 of 17 October 2011 and 27/25 of 26 September 2014 on the mandate of the Working Group of Experts on People of African Descent,

Reaffirming the obligations of States under relevant international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination adopted by the General Assembly in its resolution 2106 (XX) of 21 December 1965,

Underlining that the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, remains the only instructive outcome of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance that prescribes comprehensive measures and remedies for the effective combating of all the scourges of racism at all levels,

Recalling Human Rights Council resolution 5/1, on institution-building of the Council, and resolutions 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,

Alarmed at the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance precipitated by scientifically false, morally condemnable, socially unjust and dangerous ideologies, such as white supremacy, as well as by extremist nationalist and populist ideologies, and underlining in this respect that human beings are born free and equal in dignity and rights and that everyone has the right to life, liberty and security of person,

Stressing the imperative need for the Working Group of Experts on People of African Descent to accomplish its mandate,

1. *Decides* to extend the mandate of the Working Group of Experts on People of African Descent for a further period of three years, in accordance with the terms of reference contained in Human Rights Council resolution 9/14;

2. *Also decides* that the Working Group shall undertake a minimum of two country visits per year;

3. *Requests* all Governments to cooperate fully with the Working Group in the discharge of its mandate, including by responding promptly to the Working Group's communications and by providing the information requested;

4. *Requests* the Working Group to submit an annual report to the Human Rights Council on all activities relating to its mandate, and to the General Assembly in the context of the International Decade for People of African Descent;

5. *Also requests* the Working Group to pay special attention in its annual report to the rising tide of racism and racial hatred, as evidenced by the resurgence of white supremacist ideologies, and extremist nationalist and populist ideologies, and to make specific recommendations in this regard;

6. *Requests* States, non-governmental organizations, relevant human rights treaty bodies, special procedures and other mechanisms of the Human Rights Council, and national human rights institutions, international financial and development institutions, and specialized agencies, programmes and funds of the United Nations to collaborate with the Working Group, including by, inter alia, providing it with the necessary information and, where possible, reports in order to enable the Working Group to carry out its mandate, including with regard to field missions;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the human, technical and financial assistance necessary for the sustainable and effective fulfilment of its mandate;

8. *Recalls* the establishment of a voluntary fund to provide additional resources for, inter alia, the participation of people of African descent, representatives of developing countries, especially the least developed countries, non-governmental organizations and

experts in the open-ended sessions of the Working Group, and invites States to contribute to that fund;

9. *Decides* to remain seized of this important issue.

42nd meeting
29 September 2017

[Adopted without a vote.]

36/24. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Recalling all its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action,

Recalling also the General Assembly resolutions in this regard, and the imperative need for their full and effective implementation,

Emphasizing the primacy of the International Convention on the Elimination of All Forms of Racial Discrimination as a principal international instrument to combat all the scourges of racism, and in this regard noting with concern that the commitment made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve universal ratification of this primary instrument by 2005 was regrettably not fulfilled, and underlining the imperative need to elaborate complementary international standards as instructed by paragraph 199 of the Durban Declaration and Programme of Action,

Concerned that many years have lapsed since the adoption of the Durban Declaration and Programme of Action, and regretting in this regard that its objectives have not been met,

Concerned also, in the above context, at the increasing incidents of racially motivated hatred in all its forms and manifestations, some of which have taken violent forms with concomitant racial profiling,

Underlining the importance of removing legal obstacles and eliminating discriminatory practices that hamper individuals and groups, in particular people of African descent, from participating fully in the public and political life of the countries in which they live, including the lack of the exercise of their full citizenship rights,

Noting with appreciation the annual observance in Geneva of the International Day of Remembrance of the Victims of Transatlantic Slavery and the Slave Trade, and the support expressed at its commemoration in 2017 for the establishment at the United Nations Office at Geneva of a memorial to the victims of slavery and the transatlantic slave trade,

1. *Underscores* the importance of political will and commitment to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance;

2. *Underlines* the imperative need for the full and effective implementation of the Durban Declaration and Programme of Action as the only instructive outcome document of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for the combating of all the scourges of racism, including its contemporary and resurgent forms, some of which have regrettably taken violent forms;

3. *Alarmed* at the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance precipitated by scientifically false, morally condemnable, socially unjust and dangerous ideologies, such as white supremacy, as well as by extremist nationalist and populist ideologies, and underlines in this respect that human beings are born free and equal in dignity and rights and that everyone has the right to life, liberty and security of person;

4. *Encourages* States to make the requisite declaration in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction under its complaints procedure;

5. *Welcomes* paragraph 5 of General Assembly resolution 71/181 of 19 December 2016, and to this end directs the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination to commence, at its tenth session, its elaboration of a draft additional protocol to the Convention criminalizing acts of a racist and xenophobic nature;

6. *Deplores* the ongoing use of social media platforms to incite hatred and violence against migrants, refugees and asylum seekers, and calls upon States to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including that propagated by information and communications technology;

7. *Reiterates* that the rights to freedom of expression, association and peaceful assembly should not be exercised with the aim of destroying or denying the rights and freedoms of others, and not be misused to promote racist hate speech and racist crimes;

8. *Calls upon* all States that have not yet done so, and consistent with paragraph 75 of the Durban Declaration and Programme of Action, to consider withdrawing their reservations on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and on articles 18, 19 and 20 of the International Covenant on Civil and Political Rights;

9. *Welcomes* the convening of regional meetings organized by the Office of the United Nations High Commissioner for Human Rights to effectively implement the programme of activities of the International Decade for People of African Descent, encourages Member States and other stakeholders to adopt action-orientated recommendations at these meetings, and calls upon States, regional organizations and other stakeholders to facilitate the participation of civil society from their respective countries and regions in the meetings;

10. *Requests* the United Nations High Commissioner for Human Rights, in his capacity as coordinator of the Decade, to submit an oral update on his activities in follow-up to the implementation of the programme of activities within the framework of the Decade to the Human Rights Council at its thirty-ninth session;

11. *Welcomes* the intention of the African Union to convene a consultative group for the project to establish at the United Nations Office at Geneva a memorial to the victims of slavery and the transatlantic slave trade, and invites Member States and all other actors to lend their support to the initiative;

12. *Requests* the High Commissioner to prioritize the issue of preventing and combating racism, racial discrimination, xenophobia and related intolerance in the work of the Office of the High Commissioner;

13. *Decides* to remain seized of this important issue.

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[Adopted by a recorded vote of 32 to 5, with 10 abstentions. The voting was as follows:

In favour:

Bangladesh, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, India, Indonesia, Iraq, Kenya, Kyrgyzstan, Mongolia, Nigeria, Panama, Paraguay, Philippines, Qatar, Rwanda, Saudi Arabia, South Africa, Togo, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Albania, Germany, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining:

Belgium, Croatia, Georgia, Hungary, Japan, Latvia, Netherlands, Portugal, Republic of Korea, Slovenia]

36/25. Technical assistance and capacity-building in the field of human rights in the Central African Republic

The Human Rights Council,

Guided by the principles and objectives of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Recalling the African Charter on Human and Peoples' Rights and other relevant international and African instruments on human rights,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, 23/18 of 13 June 2013, 24/34 of 27 September 2013, S-20/1 of 20 January 2014, 27/28 of 26 September 2014, 30/19 of 2 October 2015 and 33/27 of 30 September 2016,

Recalling further Security Council resolutions 2088 (2013) of 24 January 2013, 2121 (2013) of 10 October 2013, 2127 (2013) of 5 December 2013, 2134 (2014) of 28 January 2014, 2149 (2014) of 10 April 2014, 2217 (2015) of 28 April 2015, 2281 (2016) of 26 April 2016, 2301 (2016) of 26 July 2016 and 2339 (2017) of 27 January 2017,

Reaffirming that all States have the primary responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other international and African instruments on human rights to which they are parties,

Recalling that the Central African Republic authorities have the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Welcoming the holding of popular consultations and the Bangui Forum for National Reconciliation, which was followed by the adoption of the Republican Pact for Peace, National Reconciliation and Reconstruction and the signing of an agreement on disarmament, demobilization and reintegration by the representatives of the main actors in the conflict in the Central African Republic, and emphasizing the need for effective implementation of the recommendations and measures contained therein,

Welcoming also the peaceful holding of a constitutional referendum on 13 December 2015, the holding of legislative and presidential elections in December 2015 and February and March 2016 and the investiture of President Faustin-Archange Touadéra on 30 March 2016,

Reaffirming its commitment to the sovereignty, independence, unity and territorial integrity of the Central African Republic,

Gravely concerned by the worsening security situation in the Central African Republic owing to the advance of armed groups across most of the territory, and condemning in particular the recent acts of violence and crime as well as incidents that have occurred in parts of the country away from the capital, which have caused heavy civilian losses since the beginning of 2017 and have triggered massive population displacements,

Gravely concerned also by the deteriorating humanitarian situation, in particular as a result of the rise in the number of displaced persons and refugees fleeing from violence and the fact that half of the country's population, or some 2.4 million people, are in need of humanitarian aid in order to survive, and concerned by the flow of refugees and its repercussions on the situation in neighbouring countries and other countries in the region,

Noting the presentation on 5 December 2016 of a humanitarian response plan for the period 2017-2019, and concerned by the growing humanitarian needs in the Central African Republic,

Noting also the mobilization of the international community to provide humanitarian assistance to the population of the Central African Republic affected by the crisis, such as the donor conference held in Addis Ababa on 1 February 2014, the Brussels conference held on 26 May 2015 and several high-level meetings held on humanitarian action in the Central African Republic, such as the African Union Solidarity Conference for the Central African Republic, held in Addis Ababa in February 2017,

Welcoming the outcome of the international support conference held in Brussels in November 2016 and the pledges announced during that conference, and encouraging Member States to swiftly disburse those pledges,

Recalling the need for the Government of the Central African Republic, the international community and humanitarian actors to support the voluntary return of displaced persons and refugees and to ensure that this return is sustainable,

Gravely concerned by the serious violations and abuses of human rights and of international humanitarian law, including those involving summary executions, extrajudicial killings, arbitrary detention and arrests, enforced disappearance, the recruitment and use of children, rape and other forms of sexual violence, torture, looting, the unlawful destruction of property and other serious violations and abuses of international human rights law and international humanitarian law,

Emphasizing that those engaging in or providing support for acts that undermine the peace, stability or security of the Central African Republic, threaten or impede the political stabilization and reconciliation process, target civilians and attack peacekeepers will be held responsible for their acts,

Emphasizing also the urgent need to establish genuine disarmament, demobilization, reintegration and repatriation programmes as part of a comprehensive strategy for security sector reform, and welcoming the successful conduct of preliminary activities in this field,

Welcoming the efforts of the African-led International Support Mission in the Central African Republic, the African Union, the Operation Sangaris mission conducted by France, the European Union military operation in the Central African Republic, the European Union Military Advisory Mission in the Central African Republic, the non-operational and operational military training missions of the Central African armed forces conducted by the European Union and the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic,

Recalling that the international forces present in the Central African Republic must act, in carrying out their duties, in full respect for the applicable provisions of international humanitarian law, international human rights law and international refugee law, expressing its concern at the allegations of sexual abuse and other human rights violations that may have been committed by personnel of the international forces in the Central African Republic, recalling that an in-depth investigation should be launched into the allegations and that those responsible for such acts must be brought to justice, and welcoming the commitment by the Secretary-General to strictly enforce the zero-tolerance policy of the United Nations on sexual exploitation and abuse,

Stressing the urgent and imperative need to end impunity in the Central African Republic, to bring to justice perpetrators of human rights violations and abuses and violations of international humanitarian law and to reject any general amnesty for the perpetrators of such violations and abuses, and the need to bolster national mechanisms to ensure accountability of perpetrators,

Emphasizing the primary responsibility of national authorities to create the conditions necessary to carry out investigations, to prosecute and to render judgments efficiently and independently,

Welcoming the commitment of the authorities of the Central African Republic to restore the rule of law, to end impunity and to bring to justice the perpetrators of crimes under the Rome Statute of the International Criminal Court, to which the Central African Republic is a party, and noting the decisions of the Prosecutor of the Court, made on 7 February 2014, to conduct a preliminary examination of the situation in the Central African Republic and, on 24 September 2014, to launch an investigation, following the request made by the transitional authorities,

Welcoming also the steps taken by the Government to bring the Special Criminal Court effectively into operation, including the appointment of the Special Prosecutor, the appointment of international and national judges and the launching of the selection process for the criminal investigation officers,

Recalling that the international commission of inquiry to investigate allegations of violations of international humanitarian law and international human rights law and human rights abuses in the Central African Republic concluded that the main parties to the conflict had committed, since January 2013, violations and abuses that may constitute war crimes and crimes against humanity,[52]

Welcoming the report of the mapping project, which was prepared by the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the United Nations High Commissioner for Human Rights and which documented serious violations of international human rights law and international humanitarian law committed in the territory of the Central African Republic between January 2003 and December 2015, stressing the value of that report for future investigations and the prosecution of cases before the Special Criminal Court and for the establishment of transitional justice arrangements, and deeply concerned by the findings of that report, including serious violations of human rights and of international humanitarian law, some of which may constitute crimes under international law,

1. *Strongly condemns* the violations of human rights and of international humanitarian law and the human rights abuses associated with the resurgence of attacks by the various armed groups, including those involving killings, acts of torture and inhuman and degrading treatment, sexual violence, abductions, deprivation of liberty and arbitrary arrest, extortion and looting, the recruitment and use of children, the occupation of schools and health centres and attacks on them and denial of humanitarian assistance, and stresses that those responsible for such violations and abuses must be held accountable for their actions and brought to justice;

2. *Also strongly condemns* the targeted attacks launched by armed groups against civilians, against humanitarian workers and supplies and against United Nations staff;

3. *Reiterates* its call for an immediate end to all abuses and violations of human rights and violations of international humanitarian law committed by all parties, for strict adherence to all human rights and all fundamental freedoms and for the re-establishment of the rule of law in the country;

4. *Takes note with appreciation* of the report of the Independent Expert on the situation of human rights in the Central African Republic[53] and of the recommendations contained therein;

5. *Urges* all parties in the Central African Republic to protect all civilians, in particular women and children, against sexual and gender-based violence;

6. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic to resolutely implement a proactive and assertive approach in the protection of civilians, as enshrined in its mandate, and also encourages it to lend the necessary assistance to the Central African authorities so that the Special Criminal Court may begin its work without delay;

7. *Encourages* the United Nations and the countries contributing troops to the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and international forces acting under the mandate of the Security Council to take appropriate measures in order to ensure full respect of the zero-tolerance policy of the United Nations on sexual exploitation and abuse, and calls upon troop-contributing countries and international forces under the mandate of the Security Council to take appropriate measures to prevent any and all acts of sexual exploitation and abuse and to prevent impunity among their personnel;

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[52] See S/2014/928.

[53] A/HRC/36/64.

8. *Calls upon* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, to engage resolutely in the disarmament, demobilization, reintegration and repatriation of foreign fighters, in line with a comprehensive strategy for security sector reform to quickly operationalize the cooperation structures they have put in place and to make proposals for disarmament, demobilization, reintegration and repatriation, and requests Member States and international organizations to provide the funding necessary for the disarmament, demobilization, reintegration and repatriation process, which is an essential contribution to the security of the population and the stabilization of the country;

9. *Urges* the Central African authorities, with the support of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic and the European Union Military Training Mission in the Central African Republic, to adopt and implement a national security policy and a comprehensive strategy for the reform of the security sector, including prior human rights verification procedures by defence and security forces;

10. *Deplores* the increasing recruitment and use of children by armed groups as combatants, human shields, domestic workers or sex slaves, as well as the abduction of children, urges armed groups to release children from their ranks and to put an end to and prevent future recruitment and use of children, and, in this regard, calls on them to honour the commitments assumed by several of them on 5 May 2015;

11. *Encourages* the Government to consider ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict;

12. *Urges* all parties to protect and to consider as victims those children who have been released or otherwise separated from armed forces and armed groups, and emphasizes the need to pay particular attention to the protection, release and reintegration of all children associated with the armed forces and armed groups;

13. *Calls upon* the authorities of the Central African Republic to ensure respect for the human rights and fundamental freedoms of the entire population and to take all necessary steps to end the impunity of perpetrators of acts of violence by strengthening the judicial system and mechanisms intended to ensure accountability;

14. *Notes* the decision of the Central African authorities in June 2014 to request the Prosecutor of the International Criminal Court to open an investigation into alleged crimes committed in the Central African Republic that may fall under the Court's jurisdiction, and welcomes in that regard the opening in September 2014 of an investigation by the Court essentially into war crimes and crimes against humanity committed since 1 August 2012;

15. *Welcomes* the efforts by the Central African authorities to establish within the national judicial system the Special Criminal Court with competence in respect of serious violations of human rights and violations of international humanitarian law, and encourages the Government to take all the measures necessary to ensure the effective implementation and operational capability of the Court as promptly as possible, with support from the international community, and to cooperate with the Special Prosecutor of the Court so that those responsible for international crimes, regardless of their status or their affiliation, are identified, arrested and brought to justice without delay;

16. *Requests* the authorities of the Central African Republic to take immediate and concrete priority measures to strengthen the judiciary and to fight impunity in order to contribute to stabilization and reconciliation, including by restoring administration of the judiciary and by strengthening the criminal justice system and the penitentiary system such that judicial authorities are effectively present throughout the country, ensuring that everyone has access to fair and impartial justice;

17. *Also requests* the authorities of the Central African Republic to continue their efforts to restore the effective authority of the State over the entire country, including through the redeployment of State administration in the provinces with a view to ensuring stable, responsible, inclusive and transparent governance;

18. *Requests* States Members of the United Nations and international and regional organizations to provide urgent support to the Central African authorities for the

conduct of the above-mentioned reforms and the restoration of State authority throughout the country;

19. *Urges* the authorities of the Central African Republic to implement the recommendations made at the Bangui Forum on National Reconciliation, including the establishment of a truth, justice, reparation and reconciliation commission, and encourages them to define a road map for transitional justice adopting an inclusive approach likely to allow genuine and lasting reconciliation, including by supporting civil society actors working for conflict prevention and resolution, reconciliation and human rights;

20. *Remains deeply concerned* by the conditions of displaced persons and refugees, and encourages the international community to support the national authorities and host countries to ensure appropriate protection and support for victims of violence, in particular women, children and persons with disabilities;

21. *Calls upon* the national authorities to continue their efforts to protect and promote the right to freedom of movement for all, including internally displaced persons, without distinction, and to respect their right to choose their place of residence, to return home or to seek protection elsewhere;

22. *Invites* all stakeholders and the international community to remain mobilized to respond to the urgencies and priorities identified by the Central African Republic, in particular financial and technical support, and to pay the costs for psychotrauma treatment of people affected by the crisis;

23. *Requests* all parties to facilitate rapid access for humanitarian aid and humanitarian workers to the entire national territory by strengthening security on the roads;

24. *Encourages* States Members of the United Nations, within the framework of international cooperation, the relevant United Nations bodies, international financial institutions and other international organizations concerned and donors to provide the Central African Republic with technical assistance and capacity-building in order to promote respect for human rights and to undertake reform of the justice and security sectors;

25. *Encourages* the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic, in accordance with its mandate, to publish reports on the situation of human rights in the Central African Republic in order to enable the international community to monitor the situation;

26. *Decides* to renew, for one year, the mandate of the Independent Expert to assess, to monitor and to report on the situation of human rights in the Central African Republic with a view to making recommendations related to technical assistance and capacity-building in the field of human rights;

27. *Requests* all parties to cooperate fully with the Independent Expert in carrying out her mandate;

28. *Decides* to organize, at its thirty-seventh session, a high-level interactive dialogue to assess the evolution of the human rights situation on the ground, placing special emphasis on the impact of peace and reconciliation efforts on human rights, with the participation of the Independent Expert, representatives of the Government of the Central African Republic, the United Nations, the African Union and civil society;

29. *Requests* the Independent Expert to work closely with all United Nations bodies, the African Union and the Economic Community of Central African States, as well as with other relevant international organizations, Central African civil society and all relevant human rights mechanisms;

30. *Also requests* the Independent Expert to provide an oral update on her report on technical assistance and capacity-building in the field of human rights in the Central African Republic to the Human Rights Council at its thirty-eighth session and to submit a written report to the Council at its thirty-ninth session;

31. *Requests* the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the financial and human resources necessary to enable her to carry out fully her mandate;

32. *Decides* to remain seized of the matter.

42nd meeting
29 September 2017

[Adopted without a vote.]

36/26. Technical assistance and capacity-building to improve human rights in the Sudan

The Human Rights Council,

Guided by the principles and purposes of the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights instruments,

Recalling also General Assembly resolution 60/251 of 15 March 2006 and Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007,

Recalling further Human Rights Council resolution 33/26 of 30 September 2016,

Emphasizing that States have the primary responsibility for the promotion and protection of all human rights,

Welcoming the new humanitarian policies of the Government of the Sudan, which call for rapid and unhindered humanitarian access, while encouraging the Government to protect and provide humanitarian assistance to populations in need, and encouraging the Government also to intensify its endeavours to continue its commitment to address humanitarian needs in conflict-affected areas,

1. *Welcomes* the work of the Independent Expert on the situation of human rights in the Sudan;

2. *Takes note* of the report of the Independent Expert submitted to the Human Rights Council at its thirty-sixth session,[54] and of the comments of the Government of the Sudan thereon;[55]

3. *Notes with appreciation* the cooperation of the Government of the Sudan with the Independent Expert to enable him to fulfil his mandate, and the Government's stated commitment to continue that cooperation;

4. *Requests* the Independent Expert to work with all relevant partners to provide technical assistance and capacity-building to relevant entities of the Government of the Sudan, national agencies and other stakeholders;

5. *Notes with appreciation* the outcomes to date of the ongoing national dialogue in the Sudan with a view to achieving sustainable peace, encourages the inclusive participation of all Sudanese stakeholders, and encourages all stakeholders to ensure an environment conducive to an inclusive, transparent and credible dialogue;

6. *Encourages* the Government of the Sudan to extend the unilateral declaration of cessation of hostilities, and calls upon remaining armed groups to declare an unconditional cessation of hostilities and to negotiate in good faith to achieve a permanent ceasefire;

7. *Notes with appreciation* the hosting by the Sudan of hundreds of thousands of refugees from neighbouring countries and countries in the region and the opening of four humanitarian corridors to provide life-saving interventions to those affected by conflict and famine;

8. *Notes* the continued efforts of the Government of the Sudan to implement the universal periodic review recommendations it has accepted, and encourages the Government to continue its cooperation with the review process;

[54] A/HRC/36/63.
[55] A/HRC/36/63/Add.1.

9. *Also notes* several positive developments, such as the recent separation of the attorney general's office from the Ministry of Justice, the appointment on 16 May 2017 of a chairperson to the Sudan National Commission for Human Rights, the presidential pardon of 259 armed rebel movement members in Darfur, and also of two pastors who had been sentenced to 12 years of imprisonment, and acknowledges the general amnesty announced on 29 August 2017 of representatives of civil society and human rights activists, and on 4 September the release on bail of representatives of civil society;

10. *Acknowledges* the observations made by the Independent Expert in his report, urges the Government of the Sudan to ensure respect for the human rights of all individuals, and expresses concern about the incidents of harassment, arbitrary arrest and prolonged detention, including of students, human rights defenders and members of civil society organizations, the restrictions on the rights to freedom of expression, association and peaceful assembly and the ongoing censorship of media, while urging the Government to respect its constitutional and international obligations and commitments and to address the demolition of places of worship and reports of harassment of religious leaders;

11. *Stresses* that conducting investigations into alleged human rights abuses and violations by all parties and holding perpetrators to account should be a foremost priority of the Government of the Sudan, while noting the view that bringing all of the Government's agencies and offices into line with the State's international human rights obligations and commitments can improve the human rights environment in the Sudan;

12. *Expresses serious concern* about alleged violations or abuses of human rights in conflict zones, including those involving sexual and gender-based violence, and urges parties to protect civilians and to pursue peace;

13. *Urges* Member States, the United Nations High Commissioner for Human Rights, relevant United Nations agencies and other stakeholders to support the efforts of the Government of the Sudan in accordance with the present resolution with a view to further improving the situation of human rights in the country by responding to the Government's requests for technical assistance and capacity-building;

14. *Requests* the Office of the High Commissioner, taking into account the recommendations of the Independent Expert, to provide technical assistance and capacity-building in response to the request from the Government of the Sudan for support on ways to improve the situation of human rights in the country and with a view to providing support for the country to fulfil its human rights obligations and commitments;

15. *Decides* to renew the mandate of the Independent Expert for a period of one year;

16. *Requests* the Independent Expert to present a report on the implementation of his mandate, including recommendations on technical assistance and capacity-building, to the Human Rights Council for consideration at its thirty-ninth session;

17. *Calls upon* the Government of the Sudan to continue its full cooperation with the Independent Expert and to continue to permit effective access to visit all areas of the country, and to meet with all relevant actors;

18. *Requests* the Office of the High Commissioner to provide all financial and human resources necessary to the Independent Expert for the implementation of the mandate;

19. *Acknowledges* that the situation of human rights in the Sudan informs the establishment, renewal and transition of mandates related to the Sudan by the Human Rights Council, and urges the Government of the Sudan to cooperate with the Independent Expert, the Office of the High Commissioner and other stakeholders with the view that the continued and sustained improvement in the situation of human rights in the Sudan would contribute to an eventual transition of the mandate from that of Independent Expert to another appropriate United Nations human rights mechanism;

20. *Decides* to consider this issue under agenda item 10.

42nd meeting
29 September 2017

[Adopted without a vote.]

36/27. Assistance to Somalia in the field of human rights

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights,

Acknowledging that peace and security, development and human rights are the pillars of the United Nations system,

Reaffirming its respect for the sovereignty, territorial integrity, political independence and unity of Somalia,

Reaffirming also its previous resolutions on Somalia,

Recalling its resolutions 5/1 and 5/2 of 18 June 2007,

Recognizing that the primary responsibility for promoting and protecting human rights in Somalia rests with the Federal Government of Somalia, and that enhancing the legal framework, human rights protection systems and the capacity and legitimacy of institutions is essential to help to combat impunity, improve accountability for human rights violations and encourage reconciliation,

Recognizing also the need for all authorities engaged in security to uphold international human rights commitments and obligations and to address abuse and the excessive use of force against civilians,

Recognizing further the importance and effectiveness of international assistance to Somalia and the continued need to step up the scale, coordination, coherence and quality of all capacity development and technical assistance to Somalia in the field of human rights at the national and federal Member State levels, and in that regard welcoming the outcomes of the London Somalia Conference held in May 2017, including the adoption of the New Partnership for Somalia, which sets out the terms of international support for Somali priorities, including on human rights, and the Security Pact to provide Somali-led security and protection in accordance with international humanitarian law and international human rights law, as appropriate,

Recognizing the sustained and vital commitment of the African Union Mission in Somalia and the loss and sacrifice of personnel killed in action, and recognizing also that the commitments from the Mission and the Intergovernmental Authority on Development are creating the conditions for Somalia to establish political institutions and to extend State authority, which are key to laying the foundations for a staged transfer of security responsibility to Somali security forces,

Recognizing also the role that women have played and will continue to play in community mobilization and peacebuilding in Somali society, and the importance of promoting their economic empowerment and participation in political and public decision-making processes, including within Parliament and at all levels of government, in line with Security Council resolution 1325 (2000) of 31 October 2000 on women, peace and security,

1. *Welcomes* the commitment of the Federal Government of Somalia to improve the situation of human rights in Somalia, and in that regard welcomes:

(a) The New Partnership for Somalia, adopted at the London Somalia Conference by Somalia and international partners, which sets ambitious but achievable goals for progress on the priorities of Somalia for stability and development, including on human rights and the rule of law, constitutional settlement, inclusive politics, good governance, measures to tackle corruption, security and economic recovery;

(b) The endorsement of the first national development plan in 30 years and the commitments made therein to protect human rights, to promote gender equality and to empower all women and girls;

(c) The Security Pact, adopted by Somalia and international partners at the London Somalia Conference, which sets out a vision of Somali-led security institutions and forces that are affordable, acceptable and accountable, and have the ability to provide the security and protection that the Somali people deserve and need, in accordance with international humanitarian law and human rights standards;

(d) The high-level commitment made at the London Somalia Conference to continue dialogue and to work towards closer partnership between the Federal Government of Somalia, civil society and diaspora organizations, in recognition of the important contribution of civil society and the diaspora in supporting ongoing peace and development in Somalia;

(e) The increased representation of women in the cabinet and the Somali national parliament, from 14 per cent to 24 per cent as a result of the electoral process, which, although falling short of the commitment to reach 30 per cent representation of women, marks a hard-won step towards more representative, inclusive and effective governance;

(f) The work undertaken by the Ministry for Women and Human Rights Development as the lead federal government body to advance the human rights agenda in Somalia, including efforts to establish a national human rights commission to monitor and provide accountability for violations and abuses, with representation of women, marginalized groups and persons with disabilities;

(g) The development and agreement of key policies and plans, including a post-transition human rights road map, a national gender policy and a national plan of action on eradicating sexual violence in conflict;

(h) Progress on key legislation, including the enactment of the child protection bill, progress towards the adoption of a bill on sexual offences and the implementation of a media law, through consultation with media organizations and civil societies, in order to provide a framework for upholding freedom of expression;

2. *Also welcomes* the continued commitment of the Federal Government of Somalia to the universal periodic review process, and in this regard welcomes its acceptance of the many recommendations made during the review, and encourages their implementation;

3. *Expresses concern* at reports of violations and abuses of human rights in Somalia, and underscores the need to end impunity, to uphold the respect for human rights for all and to hold accountable all those responsible for such violations and abuses and related crimes;

4. *Expresses particular concern* at the abuses and violations perpetrated against girls and women, including sexual and gender-based violence, child, early and forced marriage and female genital mutilation, expresses concern at the abuses and violations committed against children, including the unlawful recruitment and use of child soldiers and children in armed conflict, killing and maiming, rape and other sexual and gender-based violence, and abductions, and emphasizes the need for accountability and justice for all such violations and abuses;

5. *Expresses concern* that internally displaced persons, including the most marginalized and vulnerable, which may include women, children and persons belonging to minority groups, are the most at risk and can bear the brunt of violence, abuses and violations;

6. *Also expresses concern* at the attacks against and harassment of human rights defenders and the media, including journalists, in Somalia, and emphasizes the need to promote respect for freedom of expression and opinion and to end impunity, holding accountable those who commit any such related crimes;

7. *Recognizes* the efforts of those States hosting Somali refugees, urges all host States to meet their obligations under international law relating to refugees, and urges the international community to continue to provide financial support to enable host States to meet the humanitarian needs of Somali refugees in the region, to support the reintegration of those returning to Somalia when conditions are suitable, and to support internally displaced persons in Somalia;

8. *Calls upon* the Federal Government of Somalia, with the support of the international community:

(a) To implement the commitments in the New Partnership for Somalia and the London Conference communiqué on constitutional reform, noting the importance of reaching a settlement on outstanding constitutional issues, completing the constitutional

review process in a manner that promotes the building of peace and rule of law, and establishing a more inclusive model for elections in 2021;

(b) To end the prevailing culture of impunity and to hold accountable those who commit human rights violations and abuses by concluding the establishment of a resourced and independent national human rights commission and through reform of State and traditional justice mechanisms, to increase representation of women in the judiciary, and to improve access to justice for women and children;

(c) To impose a zero-tolerance policy on sexual and gender-based violence, including female genital mutilation, ensuring that those responsible for sexual and gender-based violence, exploitation and abuse are, regardless of their status or rank, held to account;

(d) To ensure security sector reform consistent with international law in order to ensure that Somali security forces and institutions comply with applicable national and international law, including international human rights law, including on the protection of individuals from, inter alia, sexual and gender-based violence, and on the prevention of extrajudicial killings, and to strengthen internal and external accountability of all relevant security forces and institutions;

(e) To increase the support and resources allocated to the ministries and institutions responsible for the administration of justice and the protection of human rights, particularly the Ministry for Women and Human Rights Development at the federal and State levels, the judiciary, the police, and correctional services;

(f) To ensure the meaningful participation of women in public and political life and decision-making by ensuring that the electoral model for national elections in 2021 enables the increased representation of women, alongside elections at the federal Member State level;

(g) To realize the commitment made at the London Somalia Conference to establish closer dialogue and cooperation with civil society, with representation of women, marginalized groups and persons with disabilities;

(h) To promote reconciliation and dialogue at the federal, regional state and subnational levels, while recognizing the importance of the valuable assistance provided by the Intergovernmental Authority on Development;

(i) To implement the media protection law to protect and uphold freedom of expression and a free media and to create a safe and enabling environment in which journalists and human rights defenders can operate free from hindrance and insecurity, to continue efforts to prohibit, prevent and protect against all kidnapping, killings, attacks, acts of intimidation against and harassment of journalists, to initiate timely, effective, impartial and transparent investigations into killings of journalists, and to prosecute all those responsible for unlawful acts in a manner that is in line with provisions in the media protection law and in consistent with other applicable domestic and international legal obligations;

(j) To ensure the equitable participation of women, young people, members of minority groups and other marginalized groups in national political processes, and to establish skills development centres to empower women, young people and members of minority groups to participate;

(k) To consider acceding to and ratifying the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and the Convention on the Prevention and Punishment of the Crime of Genocide;

(l) To finalize the review of and raise awareness about the new sexual offences bill, and to pass the bill into law and implement it and other laws as necessary to prevent sexual and gender-based violence;

(m) To harmonize national and federal Member State-level political policies and legal frameworks with applicable human rights obligations and other commitments;

(n) To wage future combatants in accordance with applicable obligations under domestic and international law, in particular international human rights law and international humanitarian law, as applicable;

(*o*) To continue measures to implement the plans of action to prevent the unlawful recruitment and use of children in the Somalia national armed forces, and to work with specialist agencies, such as the United Nations Children's Fund, to ensure that former child soldiers and children under 18 years of age used in armed conflict are treated as victims and rehabilitated in accordance with international standards;

(*p*) To implement the Declaration on Durable Solutions for Somali Refugees and the Reintegration of Returnees in Somalia, adopted in Nairobi on 25 March 2017, to promote the well-being and protection of all internally displaced persons, including from sexual and gender-based violence, and also from exploitation and abuse committed by State or international military or civilian personnel, to facilitate the voluntary reintegration or return of all internally displaced persons, including the most vulnerable, in safety and with dignity, to ensure a fully consultative process and best practice for relocations, to provide safe sites that provide safe access to essential food and potable water, basic shelter and housing, appropriate clothing and essential medical services and sanitation, to ensure unhindered access for humanitarian organizations, to recognize the acute vulnerability of internally displaced persons, to facilitate full, rapid and unimpeded humanitarian access to people in need, wherever they are in Somalia, and to safeguard the neutrality, impartiality and independence of humanitarian actors from political, economic and military interference, while remaining sensitive to the needs of persons belonging to ethnic minorities requiring humanitarian assistance;

9. *Stresses* the important role of joint monitoring and reporting on the situation of human rights in Somalia by domestic and international experts and the Federal Government of Somalia, and the vital role that those monitoring human rights can play in evaluating and ensuring the success of technical assistance projects, which in turn must be for the benefit of all Somalis;

10. *Underlines* the importance of the realization by the United Nations Assistance Mission in Somalia of its mandate throughout Somalia and the need to ensure synergy with the work of the Office of the United Nations High Commissioner for Human Rights;

11. *Commends* the engagement of the Independent Expert on the situation of human rights in Somalia;

12. *Decides* to renew the mandate of the Independent Expert, under agenda item 10, for a period of one year, to assess, monitor and report on the situation of human rights in Somalia with a view to making recommendations on technical assistance and capacity-building in the field of human rights;

13. *Requests* the Independent Expert to continue to work closely with the Federal Government of Somalia at the national and subnational levels, all United Nations bodies, including the United Nations Assistance Mission in Somalia, the African Union, the Intergovernmental Authority on Development, other relevant international organizations, civil society and all relevant human rights mechanisms, and to assist Somalia in the implementation of:

(*a*) Its domestic and international human rights obligations;

(*b*) Human Rights Council resolutions and other human rights instruments, including associated routine reporting;

(*c*) Recommendations accepted during the universal periodic review;

(*d*) Other human rights commitments, policies and legislation to promote the empowerment of women, young people and marginalized groups, freedom of expression and assembly, the protection of the media, access to justice for women, and increasing the capacity of ministries and institutions responsible for the administration of justice and the protection of human rights;

14. *Also requests* the Independent Expert to report to the Human Rights Council at its thirty-ninth session and to the General Assembly at its seventy-third session;

15. *Requests* the Office of the High Commissioner and other relevant United Nations agencies to provide the Independent Expert with all the human, technical and financial assistance necessary to carry out fully his mandate;

16. *Decides* to remain actively seized of the matter.

42nd meeting
29 September 2017

[Adopted without a vote.]

36/28. Enhancement of technical cooperation and capacity-building in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations, particularly with regard to achieving international cooperation in promoting and encouraging respect for human rights and for fundamental freedoms for all, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Reaffirming the obligation of States under the Charter to promote universal respect for and observance of human rights and fundamental freedoms,

Recalling all relevant international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights, which should be based on the principles of cooperation and genuine dialogue and aimed at strengthening the capacity of States to prevent human rights violations and to comply with their human rights obligations for the benefit of all human beings,

Recognizing also the importance of enhancing international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement all the Sustainable Development Goals,

Recalling General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development,

Recalling also that the 2030 Agenda is guided by the purposes and principles of the Charter, including full respect for international law, and is grounded in the Universal Declaration of Human Rights and international human rights treaties, that it is informed by other instruments, such as the Declaration on the Right to Development, and that it is to be implemented in a manner that is consistent with the rights and obligations of States under international law,

Recognizing that the implementation of the 2030 Agenda must be consistent with a State's obligations under international human rights law,

Bearing in mind the mandate of the Human Rights Council, as stated by the General Assembly in its resolution 60/251 of 15 March 2006, to promote advisory services, technical assistance and capacity-building, to be provided in consultation with and with the consent of the States concerned, and the provisions of Council resolutions 5/1 and 5/2 of 18 June 2007 and 16/21 of 25 March 2011 that aim to enable the Council to fulfil such a mandate,

Recalling all relevant resolutions of the Human Rights Council on the enhancement of technical cooperation and capacity-building in the field of human rights,

Noting the important role that technical cooperation and capacity-building can play in building States' capacities to implement the Sustainable Development Goals in a way that is consistent with their respective obligations under international human rights law,

Recognizing the positive role of capacity-building in the field of human rights in supporting States in their implementation of the 2030 Agenda,

Reiterating that one of the responsibilities of the United Nations High Commissioner for Human Rights and the Office of the High Commissioner is to provide advisory services and technical and financial assistance, at the request of the State concerned, with a view to supporting actions and programmes in the field of human rights, and to coordinate activities to promote and protect human rights throughout the United Nations system in accordance with the mandate of the Office,

Acknowledging the role and impact of the activities of the relevant agencies of the United Nations and international and regional organizations, and the contribution of civil society organizations, in providing States with technical support and assistance on the basis of needs and requests of States concerned in the implementation of their human rights obligations and their voluntary pledges and commitments, as well as accepted universal periodic review recommendations,

Noting with appreciation the contributions of international human rights bodies and mechanisms, including international human rights treaty bodies, the Human Rights Council and its subsidiary bodies, such as the special procedures and the universal periodic review mechanism, in promoting the implementation of the 2030 Agenda in accordance with States' human rights obligations,

Welcoming the efforts of United Nations human rights bodies and mechanisms, the United Nations development system and relevant United Nations agencies and country teams to align capacity-building efforts with the needs and national circumstances of States, including to strengthen policy coherence, where applicable, in the implementation of States' respective obligations under international human rights law and in their implementation of the Sustainable Development Goals,

Appreciating the important role of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council and the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review in assisting States and developing their national capacities to promote the effective implementation of their human rights obligations and accepted universal periodic review recommendations, which have contributed to tangible improvements in the situation of human rights on the ground,

Noting with appreciation the contributions of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights and of the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review through their annual reports to the Human Rights Council, in particular on the components of technical cooperation and the identification of good practices,

1. *Emphasizes* that the general debate under agenda item 10 is an essential platform for Members and observers of the Human Rights Council to share their visions and views to promote more effective technical cooperation and capacity-building in the field of human rights, and to share concrete experiences, challenges and information on assistance needed in the implementation of their human rights obligations and voluntary pledges and commitments, and of accepted universal periodic review recommendations, and their achievements and good practices in this area, including those that promote synergy and policy coherence between the promotion and protection of human rights and the realization of the 2030 Agenda for Sustainable Development;

2. *Reiterates* that technical cooperation and capacity-building in the field of human rights continue to be based on consultations with and the consent of the States concerned, and should take into account their needs, and the fact that all human rights are universal, indivisible, interdependent and interrelated and aim to make a concrete impact on the ground;

3. *Underscores* the need to strengthen international, regional and bilateral cooperation and dialogue in the promotion and protection of human rights;

4. *Acknowledges* that the promotion and protection of human rights and the 2030 Agenda are complementary and mutually reinforcing;

5. *Reaffirms* that technical cooperation should remain an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society;

6. *Also reaffirms* the ongoing need for enhanced voluntary contributions to the relevant United Nations funds to support technical assistance and capacity-building, particularly the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Trust Fund for Participation in the Universal Periodic Review, the Voluntary Trust Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review and the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council, and encourages States to continue to make contributions to these funds, especially those who have not yet done so;

7. *Invites* the United Nations High Commissioner for Human Rights to make his next annual oral presentation, under agenda item 10, on the overview of and successes, best practices and challenges in technical assistance and capacity-building efforts, particularly those provided by the Office of the High Commissioner and relevant United Nations agencies, to the Human Rights Council at its thirty-seventh session, and subsequently on an annual basis at the March session of the Council, and encourages the High Commissioner to highlight the contribution of human rights technical cooperation and capacity-building to the attainment of the Sustainable Development Goals;

8. *Invites* the Chair of the Board of Trustees of the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights to present the next comprehensive report on the Board's work to the Human Rights Council at its thirty-seventh session, and subsequently on an annual basis at the March session of the Council, and encourages the chairs of the boards of trustees of other funds administered by the Office of the High Commissioner to support activities in the area of technical assistance and capacity-building to make a presentation at the same session;

9. *Welcomes* the panel discussion held pursuant to Human Rights Council resolution 33/28 under agenda item 10 at its thirty-fifth session of the Council on the theme "A decade of technical cooperation and capacity-building in the Human Rights Council: challenges and the way forward", at which participants stressed the need to reinvigorate the debates and actions under agenda item 10 and to make them more responsive to the needs of States, in accordance with its original intent and the principles of the Council, underlines the role that technical cooperation and capacity-building can play in preventing human rights violations and in enhancing the credibility and effectiveness of the Council, while underscoring also the importance of further strengthening policy coherence across the United Nations system in the delivery of technical assistance pertaining to human rights and the Sustainable Development Goals, with a view to maximizing its impact on the ground;

10. *Decides*, in accordance with paragraphs 3 and 4 of its resolution 18/18 of 29 September 2011, that the theme for the annual thematic panel discussion under agenda item 10 to be held during its thirty-eighth session will be "Human rights and the Sustainable Development Goals: enhancing human rights technical cooperation and capacity-building to contribute to the effective and inclusive implementation of the 2030 Agenda for Sustainable Development";

11. *Requests* the Office of the High Commissioner to prepare a report on how United Nations human rights bodies and mechanisms, including the Human Rights Council, the universal periodic review, the special procedures and the treaty bodies, and United Nations country teams and agencies are through effective, coherent and coordinated technical assistance and capacity-building the promotion and protection of human rights support States in the realization of the 2030 Agenda, including, inter alia, by highlighting practical steps and concrete examples thereof, to promote policy synergy and coherence, use of technology and innovation, and the strengthening of the capacity of national national offices and data systems relating to human rights where applicable, as well as ways to enhance national implementation, reporting and follow-up, taking into account the different constraints and needs of States, and to submit the report to the Council at its thirty-eighth session to serve as a basis for the thematic panel discussion;

12. *Also requests* the Office of the High Commissioner to consult with States, the United Nations development system, relevant United Nations bodies, agencies and country

teams, relevant special procedures and other stakeholders, including, where applicable, those involved in technical cooperation projects that demonstrate best practices, constructive engagement and positive impact on the ground with a view to ensuring their participation in the thematic panel discussion;

13. *Calls upon* States, relevant international organizations, intergovernmental bodies and civil society to make use of the ideas and issues raised in the annual panel discussion under agenda item 10 during its thirty-eighth session to enhance the efficiency, effectiveness and policy coherence of technical cooperation and capacity-building efforts undertaken by the Office of the High Commissioner and United Nations country teams and agencies in improving States' national capacities to promote and protect human rights and support the implementation of the Sustainable Development Goals.

42nd meeting
29 September 2017

[Adopted without a vote.]

36/29. Promoting international cooperation to support national human rights follow-up systems, processes and related mechanisms, and their contribution to the implementation of the 2030 Agenda for Sustainable Development

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling General Assembly resolutions 48/141 of 20 December 1993, 60/251 of 15 March 2006 and 65/281 of 17 June 2011 and Human Rights Council resolutions 5/1 of 18 June 2007, 16/21 of 25 March 2011 and 30/25 of 2 October 2015,

Recalling also General Assembly resolution 70/1 of 25 September 2015, in which the Assembly adopted the 2030 Agenda for Sustainable Development,

Recognizing that the 2030 Agenda and its Goals and targets are integrated and indivisible, balance the three dimensions of sustainable development and seek to realize all human rights of all,

Reaffirming its commitment to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993,

Emphasizing the responsibilities of all States, in conformity with the Charter of the United Nations, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status,

Recalling that one of the purposes of the United Nations enshrined in the Charter is to achieve international cooperation in promoting and encouraging respect for human rights,

Recognizing that the enhancement of international cooperation in the field of human rights is essential for the full achievement of the purposes of the United Nations, including the effective promotion and protection of all human rights,

Considering that international cooperation, in conformity with the purposes and principles set out in the Charter and international law, provide an effective and practical contribution to preventing violations of human rights and fundamental freedoms,

Affirming that technical cooperation, provided in consultation with, and with the consent of, the States concerned, should be an inclusive exercise that engages and involves all national stakeholders, including government agencies, national human rights institutions and civil society, at all stages,

Recognizing the important, valuable and mutually reinforcing role and contribution of all human rights mechanisms of international and regional human rights systems in the promotion and protection of human rights and fundamental freedoms,

Reiterating the importance and added value of technical assistance and capacity-building provided in consultation with, and with the consent of, the States concerned to ensure follow-up to and the effective implementation of their respective international human rights obligations and commitments,

Recognizing that the promotion and protection of human rights should be based on the principles of cooperation and genuine dialogue in all relevant forums, including in the context of the universal periodic review, and be aimed at strengthening the capacity of States to implement their respective human rights obligations and commitments,

Recognizing also the important and constructive role played by parliaments, national human rights institutions, civil society and other relevant stakeholders in the universal periodic review mechanism, and encouraging their continued and unhindered participation in and contribution to national human rights follow-up systems and processes,

Recognizing further that States, with the support from the United Nations system, have increasingly adopted comprehensive and permanent approaches to reporting to the international human rights system and to implementing recommendations through, for instance, the establishment or strengthening of national human rights follow-up systems and processes, including, as appropriate, national mechanisms for reporting and follow-up,

Underlining that such mechanisms can facilitate the task of clustering and prioritizing recommendations and of mainstreaming them into national human rights action plans, policies and working programmes, as appropriate, thus contributing to preventing the recurrence of human rights violations,

Affirming that this holistic approach to all human rights recommendations can contribute to a better alignment of human rights and sustainable development efforts at the national level,

Acknowledging the important work of the Office of the United Nations High Commissioner for Human Rights in continuously updating the Universal Human Rights Index, clustering human rights recommendations and developing methodologies to identify, where applicable, synergies among human rights recommendations and the Sustainable Development Goals,

Noting that the 2030 Agenda is guided by the purposes and principles of the Charter, including full respect for international law, that it is grounded in the Universal Declaration of Human Rights, international human rights treaties, the Millennium Declaration and the 2005 World Summit Outcome, that it is informed by other instruments, such as the Declaration on the Right to Development, and that it is to be implemented in a manner that is consistent with the rights and obligations of States under international law,

Welcoming the technical assistance and capacity-building provided by the Office of the High Commissioner and by the United Nations Development Programme, through United Nations Resident Coordinators and United Nations country teams, in consultation with, and with the consent of, the States concerned, particularly with a view to supporting the establishment or the strengthening of national human rights follow-up systems and processes, including, as appropriate, national mechanisms for reporting and follow-up,

Recalling Human Rights Council resolution 6/17 of 28 September 2008, in which the Council requested the Secretary-General to establish a universal periodic review voluntary trust fund to facilitate the participation of developing countries, particularly least developing countries, in the universal periodic review mechanism, and to establish the voluntary fund for financial and technical assistance, to be administered jointly with the universal periodic review voluntary trust fund, in order to provide, in conjunction with multilateral funding mechanisms, a source of financial and technical assistance to help countries to implement recommendations emanating from the universal periodic review in consultation with, and with the consent of, the States concerned,

Recalling also the beginning of the third universal periodic review cycle, during which all States Members of the United Nations will undergo a review of their fulfilment of their human rights obligations and commitments,

Considering the third cycle of the universal periodic review an opportunity to strengthen the engagement of all States in the follow-up and implementation of human rights recommendations, including through the provision of technical assistance and capacity-building, provided upon request and with the consent of the States concerned,

Reaffirming the importance of strengthening the relevance and impact of human rights recommendations by providing technical assistance and capacity-building for their implementation, upon request and with the consent of the States concerned, including through the establishment or strengthening of national human rights mechanisms for reporting and follow-up, in collaboration with United Nations country teams,

1. *Welcomes* the holding of the panel discussion on promoting international cooperation to support national follow-up systems and processes, held on 9 November 2016, during the twenty-sixth session of the Working Group on the Universal Periodic Review, and the summary report thereon, submitted by the United Nations High Commissioner for Human Rights to the Human Rights Council at its thirty-fourth session;[58]

2. *Encourages* States to establish or strengthen national human rights follow-up systems and processes, including, as appropriate, national mechanisms on reporting and follow-up, to seek, as needed, technical assistance and capacity-building, and to share experiences and good practices to that end;

3. *Encourages* States and other relevant stakeholders to promote technical assistance and capacity-building, upon the request of, and in accordance with the priorities set by, the States concerned, aimed at sharing experiences and good practices in the follow-up to international human rights recommendations;

4. *Requests* the United Nations High Commissioner for Human Rights to continue to provide technical assistance and capacity-building, upon the request of, and in accordance with the priorities set by, the States concerned, on the establishment or the strengthening of national human rights follow-up systems and processes, including, as appropriate, of national mechanisms for reporting and follow-up;

5. *Invites* States to gradually increase their voluntary contributions to the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights, the Voluntary Fund for Financial and Technical Assistance for the Implementation of the Universal Periodic Review and other relevant trust funds, in order to enable States, upon request and in accordance with their priorities, to establish or strengthen their respective national human rights follow-up systems and processes, including, as appropriate, their national mechanisms for reporting and follow-up;

6. *Recognizes* that national human rights mechanisms for reporting and follow-up could make a contribution to the implementation of the Sustainable Development Goals by strengthening the capacity of States to assess needs, set priorities and implement measures that effectively promote and protect, including on a preventive basis, the human rights of all persons, especially those living in vulnerable situations, thus leaving no one behind;

7. *Also recognizes* the importance of strengthening capacities and building synergies at the national level for the implementation of the Sustainable Development Goals, with due consideration given to human rights recommendations and standards;

8. *Requests* the Office of the High Commissioner to continue to compile, assess and raise awareness of good practices, challenges and lessons learned on the potential contribution of national human rights follow-up systems and processes, including, as appropriate, of national mechanisms for reporting and follow-up, to the implementation of human rights recommendations and, where applicable, to the achievement of the Sustainable Development Goals, building on the activities undertaken in the field of national policies and human rights and on the enhancement of technical assistance and capacity-building programmes;

[58] A/HRC/34/24

9. *Decides* to remain seized of the matter.

42nd meeting
29 September 2017

[Adopted without a vote.]

36/30. Technical assistance and capacity-building in the field of human rights in the Democratic Republic of the Congo

The Human Rights Council,

Reaffirming that all States have an obligation to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations and the Universal Declaration of Human Rights, to discharge their obligations under the International Covenants on Human Rights and other relevant instruments to which they are parties, and to fulfil their obligations under those treaties and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further its resolutions 10/33 of 27 March 2009, 13/22 of 26 March 2010, 16/35 of 25 March 2011, 19/27 of 23 March 2012, 24/27 of 27 September 2013, 27/27 of 26 September 2014 and 30/26 of 2 October 2015, 33/29 of 30 September 2016 and 35/33 of 23 June 2017, in which the Human Rights Council called upon the international community to support the national efforts of the Democratic Republic of the Congo and its institutions with a view to improving the situation of human rights and to respond to its requests for technical assistance,

Taking note of the report of the United Nations High Commissioner for Human Rights, submitted to the Human Rights Council in accordance with its resolution 33/29, on the situation of human rights in the Democratic Republic of the Congo and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo,[57]

Welcoming the progress made by the Democratic Republic of the Congo, in particular at the institutional and legislative levels, with the adoption by the Senate of an act relating to the protection and responsibility of human rights defenders and the creation of an interministerial committee responsible for monitoring the implementation of the Convention on the Rights of Persons with Disabilities,

Deeply concerned about the continued violations of civil and political rights, particularly the freedoms of expression and peaceful assembly, committed by State actors in the context of important electoral events,

Deeply concerned also about the humanitarian consequences of the violence affecting civilian populations, particularly children and women, which have led to the internal displacement of more than 3.8 million people inside the country and 7.3 million people in need of humanitarian assistance,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting human rights violations and in improving the situation of human rights in the country,

Noting the efforts made in the region, in particular by the Southern African Development Community, the African Union, the International Conference on the Great Lakes Region and the Economic Community of Central African States aimed at contributing to peace and stability in the Democratic Republic of the Congo,

Noting also the progress made in the fight against impunity for sexual violence and for access to justice for victims, including through the establishment by the Office of the Personal Representative of the Head of State tasked with fighting sexual violence and the

[57] A/HRC/36/34.

recruitment of children, a helpline for victims of sexual violence that contributes to the fight against impunity, and the adoption by the Government of an plan of action for the national police to fight against sexual violence and to ensure the protection of children,

Noting further the efforts of the Democratic Republic of the Congo to implement its commitments under the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region, signed in Addis Ababa on 24 February 2013,

1. *Condemns unequivocally* the acts of violence committed in some areas of the country, and all those perpetrating them;

2. *Notes* the efforts made by the Government of the Democratic Republic of the Congo to bring perpetrators to justice, and welcomes the convictions already pronounced;

3. *Emphasizes* the individual responsibility of all stakeholders to act in strict compliance with the rule of law and human rights, and urges all stakeholders to reject all violence;

4. *Encourages* the Government of the Democratic Republic of the Congo to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with the State's international obligations, and to respect the rule of law;

5. *Recalls* that the Government of the Democratic Republic of the Congo bears the primary responsibility to protect all civilians within its territory, and urges it to exercise maximum restraint and proportionate lawful use of force in its efforts to restore order, in accordance with international law;

6. *Reaffirms* its strong commitment to respect fully the principles of non-interference in the internal affairs of States and to the full respect for the sovereignty, independence, unity and territorial integrity of the Democratic Republic of the Congo;

7. *Encourages* the Government of the Democratic Republic of the Congo to intensify its efforts to put an end to violence on its territory, with the support of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo within its mandate;

8. *Also encourages* the Government to continue actively its efforts, with the support of the international community, to end impunity for the perpetrators of these grave violations of human rights and international humanitarian law, and to ensure that victims of such crimes receive adequate reparations;

9. *Welcomes* the efforts made by regional organizations, including the African Union and the Southern African Development Community, to defuse tension in the Democratic Republic of the Congo and to promote inclusive dialogue in the implementation of the political agreement of 31 December 2016;

10. *Underlines* the centrality of the agreement of 31 December 2016 and the necessity of its full implementation, to pave the way for the timely holding of free, fair, peaceful and credible elections in the Democratic Republic of the Congo, and urges Congolese stakeholders to redouble their efforts to prepare for the timely holding of free, fair, peaceful and credible presidential and legislative elections, in accordance with the provisions of the agreement of 31 December 2016, and in parallel to take additional confidence-building measures, in accordance with the agreement, in order to create an environment conducive to the successful conclusion of the electoral process;

11. *Welcomes* the progress made by the Independent National Electoral Commission in the registration of almost 98 per cent of estimated eligible voters, the logistical support afforded by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo in carrying out this exercise, and the initiation of the registration process of voters in the province of Central Kasai, which commenced on 4 September 2017;

12. *Urges* the Independent National Electoral Commission, in consultation with the National Council for Oversight of the Agreement and the Government of the Democratic Republic of the Congo, to assess objectively the entire election process in order to make public, as soon as possible, a realistic electoral calendar, in accordance with the agreement of 31 December 2016;

13. *Encourages* the Government of the Democratic Republic of the Congo to ensure that all citizens, regardless of their political affiliation, can participate freely in public affairs and that they fully enjoy their human rights and fundamental freedoms, in particular the freedoms of expression and peaceful assembly;

14. *Also encourages* the Government to ensure equitable political participation for all, and to create the conditions necessary for the holding of free, transparent, inclusive and peaceful elections without further delay, in particular in view of the legislative and presidential elections;

15. *Welcomes* the efforts made by the United Nations, the International Organization of la Francophonie and the European Union to ensure the credibility and the stabilization of the electoral roll;

16. *Also welcomes* the launch in Kananga on 19 September 2017 by President Joseph Kabila Kabange of a forum on peace, reconciliation and development in the Grand Kasai;

17. *Invites* the Government of the Democratic Republic of the Congo to improve and increase the participation of women in the political and administrative domains, and notes with appreciation the legislative measures already taken in the framework of the amendments to the Family Code and of the law on the parity of men and women;

18. *Welcomes* the establishment by the Government of the Democratic Republic of the Congo of an interministerial commission to monitor the implementation of the Convention on the Rights of Persons with Disabilities in the context of the implementation of its five-year (2016-2021) plan for the promotion and protection of the rights of disabled persons, adopted on 20 and 21 May 2016;

19. *Also welcomes* the enactment of a law, on 10 March 2017, amending the Code of Military Justice for the implementation of the Rome Statute, and notes the validation, in May 2017, of the plan of justice reform, prepared in accordance with the recommendations made at the conference convened in 2015 on the evaluation of justice sector reform;

20. *Encourages* the Government of the Democratic Republic of the Congo to provide greater protection for all political actors, members of civil society, journalists and human rights defenders during elections, and to ensure respect for all human rights;

21. *Stresses* the importance of releasing all persons detained arbitrarily, including human rights defenders and persons of different political affiliations, of transferring detainees from the National Intelligence Agency to regular detention centres, and of granting unlimited access by the United Nations Joint Human Rights Office to centres under the responsibility of the Agency, and in this respect calls upon the Government of the Democratic Republic of the Congo to fulfil promptly its commitment to eliminate Agency detention facilities;

22. *Requests* all stakeholders in the electoral process to reject all forms of violence and to abstain from any discourse inciting racial, tribal or ethnic hatred;

23. *Calls upon* the Government and all relevant institutions of the Democratic Republic of the Congo to take all additional measures necessary to prevent all violations of international humanitarian law and abuses of human rights in the Democratic Republic of the Congo, and to conduct thorough investigations into all acts of violence and violations of international humanitarian law and abuses of human rights so that all perpetrators, whatever their affiliation, are brought to justice;

24. *Emphasizes* the individual responsibility of all stakeholders, including State officials, and leaders of the political parties of the government majority and the opposition, to act in strict compliance with the rule of law and human rights;

25. *Encourages* the Government of the Democratic Republic of the Congo to continue in its commitment to its cooperation with the Office of the United Nations High Commissioner for Human Rights, the United Nations Joint Human Rights Office, and the Human Rights Council and its special procedures;

26. *Commends* the Democratic Republic of the Congo for the establishment and operationalization of the National Human Rights Commission, in accordance with the

principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

27. *Notes with appreciation* the progressive operationalization of the National Human Rights Commission, welcomes the adoption of its five-year strategic plan and the release of its first annual report, and calls upon the Government to ensure that the Commission is independent, including with regard to its funding, so as to ensure full compliance with the Paris Principles;

28. *Encourages* the Government of the Democratic Republic of the Congo to maintain and strengthen the momentum of the efforts made to reform the army, the police and the security services;

29. *Also encourages* the Government to maintain and strengthen its efforts to pursue the reform of the security sector and of the judicial system, including by establishing the remaining superior courts of appeal, and to reform and strengthen its penitentiary system;

30. *Further encourages* the Government to take appropriate measures to ensure the smooth functioning of all implementing agencies of human rights, including the human rights liaison unit, the National Human Rights Commission, the interministerial committee on human rights, the national commission for the universal periodic review and the unit for the protection of human rights defenders;

31. *Welcomes* the appointment by the High Commissioner of Bacre Ndiaye, Luc Côté and Fatimata M'Baye as members of the team of international experts on the situation in the Kasai regions of the Democratic Republic of the Congo as mandated by the Human Rights Council in its resolution 35/33;

32. *Encourages* the Government to organize a forum on human rights, in particular on the impact of technical assistance by the international community to the Democratic Republic of the Congo;

33. *Requests* the Office of the High Commissioner to give an oral update on the situation of human rights in the Democratic Republic of the Congo to the Human Rights Council at its thirty-seventh and thirty-eighth sessions, in an enhanced interactive dialogue;

34. *Also requests* the Office of the High Commissioner to prepare a comprehensive report on the situation of human rights in the Democratic Republic of the Congo, including in the context of the electoral process, and to present it to the Human Rights Council at its thirty-ninth session in an enhanced interactive dialogue;

35. *Decides* to remain seized of the situation until its thirty-ninth session.

42nd meeting
29 September 2017

[Adopted by a recorded vote of 45 to 1, with 1 abstention. The voting was as follows:

In favour:

Albania, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burundi, China, Congo, Côte d'Ivoire, Croatia, Cuba, Ecuador, Egypt, El Salvador, Ethiopia, Georgia, Germany, Ghana, Hungary, India, Indonesia, Iraq, Japan, Kenya, Kyrgyzstan, Latvia, Mongolia, Netherlands, Nigeria, Panama, Paraguay, Philippines, Portugal, Qatar, Rwanda, Saudi Arabia, Slovenia, South Africa, Switzerland, Togo, Tunisia, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

Against:

United States of America

Abstaining:

Republic of Korea]

36/31. Human rights, technical assistance and capacity-building in Yemen

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights, and recalling relevant international human rights treaties,

Recognizing the primary responsibility of States to promote and protect human rights,

Recalling Security Council resolutions 2014 (2011) of 21 October 2011, 2051 (2012) of 12 June 2012 and 2140 (2014) of 26 February 2014, and Human Rights Council resolutions 18/19 of 29 September 2011, 19/29 of 23 March 2012, 21/22 of 27 September 2012, 24/32 of 27 September 2013, 27/19 of 25 September 2014, 30/18 of 2 October 2015 and 33/16 of 29 September 2016,

Recalling also Security Council resolution 2216 (2015) of 14 April 2015,

Welcoming the commitment of Yemeni political parties to complete the political transition process on the basis of the Gulf Cooperation Council initiative and its implementation mechanism, and emphasizing the need for the implementation of the recommendations made in the outcome document of the National Dialogue Conference, and to complete the drafting of a new Constitution,

Welcoming also the positive engagement of the Government of Yemen in the peace talks, its handling of the proposals made by the Special Envoy of the Secretary-General for Yemen, and encouraging it to continue its efforts to achieve peace and stability in Yemen,

Reiterating its strong support for the efforts of the Secretary-General and his Special Envoy to achieve the urgent resumption of peace negotiations, and recalling the need for all parties to the conflict to react in a flexible and constructive manner and without preconditions to these efforts, and to fully and immediately implement all provisions of relevant Security Council resolutions,

Taking note of the statement made by the President of the Security Council on 15 June 2017 on Yemen,[58]

Reaffirming its strong commitment to the sovereignty, independence, unity and territorial integrity of Yemen,

Recognizing that the promotion, protection and fulfilment of human rights are key factors in ensuring a fair and equal justice system and, ultimately, reconciliation and stability for the country,

Acknowledging that international human rights law and international humanitarian law are complementary and mutually reinforcing, and reaffirming that all efforts should be made to ensure the cessation of all violations and abuses of, and full respect for, international human rights law and international humanitarian law in armed conflicts,

Aware of reports by the Office for the Coordination of Humanitarian Affairs that the existing humanitarian emergency affects the enjoyment of social and economic rights, and calling upon the parties to the conflict to ensure that humanitarian aid is facilitated and not hindered,[59]

Concerned by the allegations of violations of international humanitarian law and of violations and abuses of human rights law in Yemen, including those involving grave violations against children, attacks on humanitarian workers, civilians and civilian infrastructure, including medical facilities and missions and their personnel, as well as schools, the prevention of access for humanitarian aid, the use of import and other restrictions as a military tactic, the severe restrictions on freedom of religion or belief, including for minorities, such as members of the Baha'i faith, and the harassment of and

[58] S/PRST/2017/7.

[59] A/HRC/30/31, A/HRC/33/38 and A/HRC/36/33.

attacks against journalists and human rights defenders, including women human rights defenders,

Underlining the important role played by free media and non-governmental human rights organizations in contributing to an objective appraisal of the situation of human rights in Yemen,

Recalling the call of the Government of Yemen for an investigation into all cases of violations and abuses of human rights and the relevant calls made by the United Nations High Commissioner for Human Rights, while noting in this regard the release of an interim report by the National Commission of Inquiry in August 2017,

Noting the extensive work carried out by the National Commission of Inquiry and the significant challenges that it continues to face in carrying out independent comprehensive investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law in Yemen, and encouraging the Yemeni public prosecution and judiciary to complete judicial proceedings for achieving justice and to hold those responsible of abuses and violations accountable as soon as possible,

Noting also the work carried out by the joint incident assessment team,

Taking note of the recommendations and conclusions made by the High Commissioner on the establishment of an independent international investigative mechanism to establish the facts and circumstances surrounding all alleged violations and abuses of human rights and violations of international humanitarian law,[60] and taking note also of the statement and comments made by the Government of Yemen on the report,

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in Yemen, including those involving the widespread recruitment and use of children by parties to the armed conflict, arbitrary arrests and detention, denial of humanitarian access and attacks on civilians and civilian objects, including medical facilities and missions and their personnel, as well as schools, and emphasizes the importance of accountability;

2. *Calls upon* all parties to the armed conflict to respect their obligations and commitments under applicable international human rights law and international humanitarian law, and in particular with regard to attacks against civilians and civilian objects, and to ensure humanitarian access to the affected population nationwide, including by lifting obstacles to the importation of humanitarian goods, reducing bureaucratic delays, resuming salary payments for civil servants and ensuring the full cooperation of the Central Bank of Yemen;

3. *Calls upon* all parties in Yemen to engage in the political process in an inclusive, peaceful and democratic way, ensuring the equal and meaningful participation and full involvement of women in the peace process;

4. *Demands* that all parties to the armed conflict end the recruitment and use of children and release those who have already been recruited, and calls upon all parties to cooperate with the United Nations for their reintegration into their communities, taking into consideration the relevant recommendations made by the Secretary-General in his report on children and armed conflict;[61]

5. *Calls upon* all parties in Yemen to implement fully Security Council resolution 2216 (2015), which will contribute to an improvement in the situation of human rights, and encourages all parties to reach a comprehensive agreement to end the conflict;

6. *Emphasizes* the commitments and obligations of the Government of Yemen to ensure respect for the promotion and protection of the human rights of all individuals within its territory and subject to its jurisdiction, and in that connection recalls that Yemen is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the International Covenant on Civil and Political Rights, the International

[60] See A/HRC/36/33.

[61] A/70/836-S/2016/360.

Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Optional Protocols thereto on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography thereto, the Convention on the Rights of Persons with Disabilities and the Convention relating to the Status of Refugees and the Protocol thereto, and looks forward to the Government continuing its efforts to promote and protect human rights;

7. *Calls upon* all parties to immediately release all Baha'i detained in Yemen due to their religious belief, to cease the issuance of arrest warrants against them and to cease the harassment to which they are subjected;

8. *Expresses deep concern* at the deteriorating humanitarian situation in Yemen, and expresses its appreciation to donor States and organizations working on improving that situation and for their pledges to provide financial support for the Yemen humanitarian response plan for 2017;

9. *Invites* all bodies of the United Nations system, including the Office of the United Nations High Commissioner for Human Rights, and Member States to assist the transitional process in Yemen, including by supporting the mobilization of resources to tackle the consequences of the violence and the economic and social challenges faced by Yemen, in coordination with the international donor community and according to the priorities set by the Yemeni authorities;

10. *Acknowledges* the difficulty of the circumstances under which the National Commission of Inquiry operates, and that the continuation of the armed conflict and the continued violations and abuses of international human rights law and violations of international humanitarian law necessitate the continuation of the Commission's mandate, and the intensification of its work according to presidential decree No. 50 of 23 August 2017, and urges that its tasks be completed professionally, impartially and comprehensively;

11. *Urges* all parties to the armed conflict to take all the measures necessary to ensure effective, impartial and independent investigations into all alleged violations and abuses of human rights and alleged violations of international humanitarian law, in accordance with international standards, with a view to ending impunity;

12. *Requests* the High Commissioner to establish a group of eminent international and regional experts with knowledge on human rights law and the context of Yemen for a period of at least one year, renewable as authorized, with the following mandate:

(*a*) To monitor and report on the situation of human rights, to carry out a comprehensive examination of all alleged violations and abuses of international human rights and other appropriate and applicable fields of international law committed by all parties to the conflict since September 2014, including the possible gender dimensions of such violations, and to establish the facts and circumstances surrounding the alleged violations and abuses and, where possible, to identify those responsible;

(*b*) To make general recommendations on improving respect for and the protection and fulfilment of human rights, and to provide guidance on access to justice, accountability, reconciliation and healing, as appropriate;

(*c*) To engage with Yemeni authorities and all stakeholders, in particular relevant United Nations agencies, the field presence of the Office of the High Commissioner in Yemen, the authorities of the Gulf States and the League of Arab States, with a view to exchanging information and providing support for national, regional and international efforts to promote accountability for human rights violations and abuses in Yemen;

13. *Requests* the immediate operationalization of the mandate, and also requests the High Commissioner to appoint without delay the Group of Eminent International and Regional Experts, by no later than the end of 2017;

14. *Requests* the Group of Eminent International and Regional Experts to submit a comprehensive written report to the High Commissioner, by the time of the thirty-ninth session of the Human Rights Council, to be followed by an interactive dialogue;

15. *Encourages* all parties to the armed conflict in Yemen to extend full and transparent access and cooperation to the Group of Eminent International and Regional Experts;

16. *Requests* the Secretary-General and the High Commissioner to provide the full administrative, technical and logistical support necessary to enable the Group of Eminent International and Regional Experts to carry out its mandate;

17. *Requests* the High Commissioner to continue to provide substantive capacity-building, technical assistance, advice and legal support to enable the National Commission of Inquiry to complete its investigatory work, including to ensure that the National Commission investigates allegations of violations and abuses committed by all parties in Yemen and in line with international standards, and to submit its comprehensive report on alleged human rights violations and abuses in all parts of Yemen, in accordance with Presidential Decree No. (50) of 23 August 2017, as soon as it is available, and encourages all parties to the conflict in Yemen to extend full and transparent access and cooperation to the National Commission and the Office of the High Commissioner;

18. *Also requests* the High Commissioner to present to the Human Rights Council, at its thirty-seventh session, an oral update on the situation of human rights in Yemen and the development and implementation of the present resolution, and to present to the Council at its thirty-ninth session a report on the situation of human rights, including violations and abuses committed since September 2014, as well as on the implementation of technical assistance as stipulated in the present resolution.

42nd meeting
29 September 2017

[Adopted without a vote.]

36/32. Advisory services and technical assistance for Cambodia

The Human Rights Council,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms as enshrined in the Charter of the United Nations, as reaffirmed in the Universal Declaration of Human Rights and in accordance with their respective obligations under the International Covenants on Human Rights and other applicable human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Human Rights Council resolutions 5/1 and 5/2 of 18 June 2007, and stressing that special procedure mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

Recalling further Human Rights Council resolution 30/23 of 2 October 2015 and other relevant resolutions,

Bearing in mind the report of the Secretary-General on the role and achievements of the Office of the United Nations High Commissioner for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights,[62]

Recognizing that the tragic history of Cambodia requires special measures to ensure the protection of human rights and the non-return to the policies and practices of the past, as stipulated in the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict, signed in Paris on 23 October 1991,

Taking note of the new developments in Cambodia, especially the achievements and improvements in economic and cultural fields over recent years through its relevant national plans, strategies and frameworks,

[62] A/HRC/36/32.

Welcoming the fact that the communal election of 4 June 2017 was held in a generally orderly and peaceful manner and that the election campaigns were largely incident-free,

1. *Reaffirms* the importance of the Extraordinary Chambers in the Courts of Cambodia as an independent and impartial body, and believes it will significantly contribute to eradicating impunity and establishing the rule of law by, inter alia, exploiting its potential as a model court of Cambodia;

2. *Welcomes* the progress made with regard to the Extraordinary Chambers in the Courts of Cambodia, including the delivery of the verdict of the Supreme Court Chamber in case 002/01 against former senior leaders of Democratic Kampuchea, Nuon Chea and Khieu Samphan, who after appeals were found guilty of crimes against humanity and sentenced to life imprisonment on 23 November 2016, and supports the position of the Government of Cambodia and the United Nations to proceed with the tribunal in a fair, efficient and expeditious manner, given the further advanced age and frail health of the persons charged and the long overdue justice for the people of Cambodia;

3. *Expresses continued concern* over the financial situation of the Extraordinary Chambers, urges the Government of Cambodia to work with the United Nations and the States providing assistance to ensure the highest standards of administration of the Extraordinary Chambers, stresses the need for the Government and the international community to provide all appropriate assistance to the Extraordinary Chambers, and also stresses the importance of efficient and sustainable management of financial resources by the Extraordinary Chambers;

4. *Calls upon* the Government of Cambodia to transfer the knowledge and share the good practices of the court officials at the Extraordinary Chambers;

5. *Welcomes* the positive engagement of the Government of Cambodia in the second universal periodic review process and its acceptance of most of the recommendations made therein and the progress so far on their implementation;

6. *Also welcomes* the reports of the Special Rapporteur on the situation of human rights in Cambodia[63] and the recommendations contained therein, also welcomes the conclusion in December 2016 of a new memorandum of understanding for the implementation of a technical cooperation programme on human rights between the Government of Cambodia and the field office in Phnom Penh of the Office of the United Nations High Commissioner for Human Rights to extend the mandate of that office for another two years, takes note of the need to maintain close and respectful consultations between the Government of Cambodia and the Special Rapporteur towards further improvements in the situation of human rights in the country and for the continued technical cooperation between the Office of the High Commissioner and the Government, and encourages the Special Rapporteur and the field office in Phnom Penh to continue to exchange information in order to assist in the effective implementation of their respective mandates, bearing in mind their independence;

7. *Encourages* the enhancement of cooperation between the Government of Cambodia and the Office of the High Commissioner, as specified in the memorandum of understanding between the Government and the field office in Phnom Penh of the Office of High Commissioner, and calls upon the Government to implement the recommendations made by the Special Rapporteur, taking into account the national context of Cambodia;

8. *Reaffirms* the need for the Government of Cambodia to strengthen efforts to consolidate and abide by the rule of law, including through the adoption, amendment and further implementation of essential laws and codes for establishing a democratic society and an independent judiciary;

9. *Notes* the efforts and progress made by the Government of Cambodia in promoting legal reform under the leadership of the Council of Legal and Judicial Reform, including enforcing basic laws, such as the civil procedure code, the civil code, the criminal procedure code and the penal code;

[63] A/HRC/27/70, A/HRC/30/58, A/HRC/33/62 and A/HRC/36/61.

10. *Also notes* the implementation of three fundamental laws on the judiciary, namely the Law on the Statute of Judges and Prosecutors, the Law on the Organization and Functioning of the Courts and the amendment to the Law on the Organization and Functioning of the Supreme Council of the Magistracy, and urges the Government of Cambodia to continue further its efforts at judicial reform, including through the fair, effective and transparent application of these laws;

11. *Stresses* the need for the Government of Cambodia to continue to enhance its efforts to investigate urgently and to prosecute, in accordance with due process of law and its obligations under international human rights treaties, all those who have perpetrated serious crimes, including violations of human rights, expresses deep concern over the death of the political analyst on 10 July 2016 and the chilling effect this has had on civil society and independent voices in Cambodia, calls upon the authorities of Cambodia to launch a full and transparent probe into those cases, and stresses the importance of a full independent judicial process under the Cambodia courts of law;

12. *Notes* the efforts made by the Government of Cambodia in combating corruption, encourages the implementation of the penal code and the anti-corruption law, and also encourages the Government to continue other such efforts, including through the activities of the Anti-Corruption Unit;

13. *Welcomes* the efforts made by the Government of Cambodia in combating crimes, such as trafficking in persons, the exploitation of labour and the sexual exploitation of women and children, and urges the Government to make further efforts to this end, in concert with the international community, to combat outstanding key problems in this area;

14. *Takes note* of the latest findings regarding gender-based issues in Cambodia, and encourages the Government of Cambodia to strengthen its efforts on gender-based issues, including by effectively enforcing existing laws and regulations;

15. *Encourages* the Government of Cambodia to continue implementing its five-year strategy for gender equality, promoting women's economic, social and political empowerment, including their participation in decision-making processes, and the expansion of women's economic benefits through improved working conditions, social protection and labour standards;

16. *Also encourages*, in this context, the Government of Cambodia to monitor the implementation of the 2001 Land Law, including regarding specific obstacles to women and vulnerable groups in obtaining land ownership and rights;

17. *Notes* the efforts made by the Government of Cambodia to resolve land issues, inter alia, through the implementation of relevant laws and regulations, including a moratorium on economic land concessions and systematic land registration, expresses concern at the outstanding issues in this area, and urges the Government to continue and enhance its efforts to resolve them equitably and expeditiously in a fair and open manner, taking into consideration the rights of and the actual consequences for the parties concerned and in accordance with relevant laws and regulations, such as the Land Law, the Law on Expropriation, the Circular on the Settlement of Illegal Temporary Building in Cities and Urban Areas and the National Housing Policy, and by strengthening the capacity and effectiveness of relevant institutions, such as the National Authority for Land Dispute Resolution and cadastral committees at the national, provincial and district levels;

18. *Also notes* the commitments made and the progress achieved by the Government of Cambodia in implementing its obligations under international human rights treaties and conventions to which it is a party, and urges the Government to continue to take steps to meet its obligations under those treaties and conventions, and to this end to strengthen its cooperation with United Nations agencies, including the Office of the High Commissioner, through enhanced dialogue and the development of joint activities;

19. *Further notes* the commitment of the Government of Cambodia to establish a national human rights institution, and urges that this be done in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and upon sufficient consultation with relevant stakeholders;

20. *Welcomes* the efforts made by the Cambodian Human Rights Committee, especially in resolving complaints from individuals;

21. *Also welcomes* the efforts and progress made by the Government of Cambodia in promoting decentralization and deconcentration reform with the aim of achieving democratic development by strengthening subnational and grass-roots institutions;

22. *Expresses serious concern* over the recent deterioration of the civil and political environment in Cambodia due to the chilling effects of judicial prosecutions and other actions against members of political parties, civil society and the media, in particular the recent arrest and detention of Kem Sokha, a political opposition leader, and calls upon all parties, inter alia, the ruling party, to work together towards de-escalating the tensions and building trust and confidence by restoring dialogue with relevant stakeholders in the country, and calls upon the Government of Cambodia to guarantee the right to freedom of expression and association and to fulfil its accountability for the cases concerned;

23. *Expresses concern* about the restrictions imposed on the media, civil society and political parties and the negative impact of the Law on Associations and Non-Governmental Organizations and the amendments of 28 February and 10 July 2017 to the Law on Political Parties, urges the Government of Cambodia to make continuous efforts to ensure an environment conducive to the conduct of political activities by all political parties under democratic principles and the rule of law, and to make further efforts to improve its electoral system in accordance with international standards so that its election process as a whole is satisfactory and acceptable to all parties concerned, and calls upon the Government to take steps to ensure that the elections set to be held in July 2018 do so in an open and fair manner;

24. *Notes with concern* that the 2017 amendments to the Law on Political Parties could lead to an arbitrary restriction on the activities of political parties, encourages all stakeholders to promote a peaceful democratic process under the rule of law and adherence to a system of pluralistic liberal democracies through the participation of all elected representatives in parliamentary debate, in accordance with the Constitution, and calls upon the Government of Cambodia to ensure the protection of parliamentary immunity for this purpose;

25. *Urges* the Government of Cambodia to take appropriate measures to encourage and enable civil society, including independent trade unions and media, to play a constructive role in consolidating democratic development in Cambodia, including by ensuring and promoting their activities and in promoting equal access to the media by all parties;

26. *Notes* the large presence of more than 5,000 entities operating associations and non-governmental organizations, and urges the Government of Cambodia to further take account of the interests and concerns of all stakeholders in enacting and/or implementing various laws and measures that may affect the activities of civil society, in particular, the Law on Associations and Non-Governmental Organizations, in order to further nurture a vibrant civil society, and to protect and ensure freedom of speech, association and peaceful assembly in accordance with the Constitution and the International Covenant on Civil and Political Rights;

27. *Encourages* the Government of Cambodia to continue to take action to promote the rights and dignity of all Cambodians by protecting civil and political rights, including freedom of opinion and expression, and to this end to ensure that all laws are interpreted and applied in a judicious manner so as to promote economic, social and cultural rights in accordance with the rule of law;

28. *Invites* the Secretary-General, agencies of the United Nations system present in Cambodia and the international community, including civil society, to continue to work with the Government of Cambodia in strengthening democracy and ensuring the protection and promotion of the human rights of all people in Cambodia, including by providing assistance in the fields of:

(*a*) Drafting laws and assisting the establishment of an independent national human rights institution;

(*b*) Capacity-building to strengthen legal institutions, including by improving the quality and independence of judges, prosecutors, lawyers and court staff, and drawing on the expertise gained by Cambodian nationals working in the Extraordinary Chambers in the Courts of Cambodia;

(*c*) Capacity-building to strengthen national institutions for criminal investigations and law enforcement, as well as providing the equipment necessary for these ends;

(*d*) The implementation of accepted universal periodic review recommendations;

(*e*) Assisting the assessment of progress in human rights issues;

29. *Decides* to extend for two years the mandate of the Special Rapporteur on the situation of human rights in Cambodia, and requests the Special Rapporteur to report on the implementation of her mandate to the Human Rights Council at its thirty-ninth and forty-second sessions, and to engage in a constructive manner with the Government of Cambodia for the further improvement of the situation of human rights in the country;

30. *Requests* the Secretary-General to report to the Human Rights Council at its thirty-seventh and forty-second sessions on the role and achievements of the Office of the High Commissioner in assisting the Government and the people of Cambodia in the promotion and protection of human rights;

31. *Decides* to continue its consideration of the situation of human rights in Cambodia at its forty-second session.

42nd meeting
29 September 2017

[Adopted without a vote.]

IV. Decisions

36/101. Outcome of the universal periodic review: Bahrain

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Bahrain on 1 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Bahrain, comprising the report thereon of the Working Group on the Universal Periodic Review,[64] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[65]

22nd meeting
21 September 2017

[Adopted without a vote.]

36/102. Outcome of the universal periodic review: Ecuador

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Ecuador on 1 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Ecuador, comprising the report thereon of the Working Group on the Universal Periodic Review,[66] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[67]

22nd meeting
21 September 2017

[Adopted without a vote.]

[64] A/HRC/36/3.
[65] A/HRC/36/3/Add.1; see also A/HRC/36/2, chap. VI.
[66] A/HRC/36/4.
[67] A/HRC/36/4/Add.1; see also A/HRC/36/2, chap. VI.

36/103. Outcome of the universal periodic review: Tunisia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Tunisia on 2 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Tunisia, comprising the report thereon of the Working Group on the Universal Periodic Review,[68] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[69]

22nd meeting
21 September 2017

[Adopted without a vote.]

36/104. Outcome of the universal periodic review: Morocco

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Morocco on 2 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Morocco, comprising the report thereon of the Working Group on the Universal Periodic Review,[70] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[71]

23rd meeting
21 September 2017

[Adopted without a vote.]

[68] A/HRC/36/5.
[69] A/HRC/36/5/Add.1; see also A/HRC/36/2, chap. VI.
[70] A/HRC/36/6.
[71] A/HRC/36/6/Add.1; see also A/HRC/36/2, chap. VI.

36/105. Outcome of the universal periodic review: Indonesia

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Indonesia on 3 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Indonesia, comprising the report thereon of the Working Group on the Universal Periodic Review,[72] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[73]

23rd meeting
21 September 2017

[Adopted without a vote.]

36/106. Outcome of the universal periodic review: Finland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Finland on 3 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Finland, comprising the report thereon of the Working Group on the Universal Periodic Review,[74] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[75]

24th meeting
21 September 2017

[Adopted without a vote.]

36/107. Outcome of the universal periodic review: United Kingdom of Great Britain and Northern Ireland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

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[72] A/HRC/36/7.
[73] A/HRC/36/7/Add.1; see also A/HRC/36/2, chap. VI.
[74] A/HRC/36/8.
[75] A/HRC/36/8/Add.1; see also A/HRC/36/2, chap. VI.

Having conducted the review of the United Kingdom of Great Britain and Northern Ireland on 4 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the United Kingdom of Great Britain and Northern Ireland, comprising the report thereon of the Working Group on the Universal Periodic Review,[76] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[77]

24th meeting
21 September 2017

[Adopted without a vote.]

36/108. Outcome of the universal periodic review: India

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of India on 4 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of India, comprising the report thereon of the Working Group on the Universal Periodic Review,[78] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[79]

24th meeting
21 September 2017

[Adopted without a vote.]

36/109. Outcome of the universal periodic review: Brazil

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Brazil on 5 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Brazil, comprising the report thereon of the Working Group on the Universal Periodic Review,[80] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies

[76] A/HRC/36/9.
[77] A/HRC/36/9/Add.1; see also A/HRC/36/2, chap. VI.
[78] A/HRC/36/10.
[79] A/HRC/36/10/Add.1; see also A/HRC/36/2, chap. VI.
[80] A/HRC/36/11.

presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[81]

24th meeting
21 September 2017

[Adopted without a vote.]

36/110. Outcome of the universal periodic review: Philippines

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Philippines on 8 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Philippines, comprising the report thereon of the Working Group on the Universal Periodic Review,[82] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[83]

25th meeting
22 September 2017

[Adopted without a vote.]

36/111. Outcome of the universal periodic review: Algeria

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Algeria on 8 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Algeria, comprising the report thereon of the Working Group on the Universal Periodic Review,[84] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[85]

25th meeting
22 September 2017

[Adopted without a vote.]

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[81] A/HRC/36/11/Add.1; see also A/HRC/36/2, chap. VI.
[82] A/HRC/36/12.
[83] A/HRC/36/12/Add.1; see also A/HRC/36/2, chap. VI.
[84] A/HRC/36/13.
[85] A/HRC/36/13/Add.1; see also A/HRC/36/2, chap. VI.

36/112. Outcome of the universal periodic review: Poland

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of Poland on 9 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of Poland, comprising the report thereon of the Working Group on the Universal Periodic Review,[86] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[87]

25th meeting
22 September 2017

[Adopted without a vote.]

36/113. Outcome of the universal periodic review: Netherlands

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of the Netherlands on 10 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

Adopts the outcome of the review of the Netherlands, comprising the report thereon of the Working Group on the Universal Periodic Review,[88] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[89]

26th meeting
22 September 2017

[Adopted without a vote.]

36/114. Outcome of the universal periodic review: South Africa

The Human Rights Council,

Acting in compliance with the mandate entrusted to it by the General Assembly in its resolution 60/251 of 15 March 2006, and with Human Rights Council resolutions 5/1 of 18 June 2007 and 16/21 of 21 March 2011, and President's statement PRST/8/1 of 9 April 2008, on the modalities and practices for the universal periodic review process,

Having conducted the review of South Africa on 10 May 2017 in conformity with all relevant provisions contained in the annex to Council resolution 5/1,

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[86] A/HRC/36/14.
[87] A/HRC/36/14/Add.1; see also A/HRC/36/2, chap. VI.
[88] A/HRC/36/15.
[89] A/HRC/36/15/Add.1; see also A/HRC/36/2, chap. VI.

Adopts the outcome of the review of South Africa, comprising the report thereon of the Working Group on the Universal Periodic Review,[90] the views of the State concerning the recommendations and/or conclusions made, and its voluntary commitments and replies presented before the adoption of the outcome by the plenary to questions or issues not sufficiently addressed during the interactive dialogue held in the Working Group.[91]

26th meeting
22 September 2017

[Adopted without a vote.]

36/115. Extension of the mandate of the independent international fact-finding mission on Myanmar

At its 41st meeting, on 29 September 2017, the Human Rights Council decided to adopt the text below:

"*The Human Rights Council,*

Recalling its resolution 34/22 of 24 March 2017, in which the Human Rights Council mandated the independent international fact-finding mission to establish the facts and circumstances of the alleged recent human rights violations by military and security forces, and abuses, in Myanmar,

Noting the concerns expressed by the Secretary-General and the United Nations High Commissioner for Human Rights,

Expressing grave concern at the recent reports of serious human rights violations and abuses in Myanmar, in particular in Rakhine State, and calling for an end to the violence,

Calling for full and unhindered humanitarian access and for the prompt, safe and voluntary return of all refugees and displaced persons,

Reiterating its encouragement to the Government of Myanmar to cooperate fully with the fact-finding mission, and stressing the need to grant it full, unrestricted and unmonitored access to all areas and interlocutors,

Taking into account the delays in its operationalization and the significant additional workload created since the adoption of resolution 34/22,

1. *Decides* to extend the mandate of the independent international fact-finding mission, and to request it to present an oral update to, to be followed by an interactive dialogue with, the Human Rights Council at its thirty-seventh session, to submit its final report for consideration by the Council at its thirty-ninth session, to be followed by an interactive dialogue, and to present that report also to the General Assembly at its seventy-third session;

2. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the fact-finding mission with the assistance, resources and expertise necessary to fulfil its mandate."

[Adopted without a vote.]

[90] A/HRC/36/16.

[91] A/HRC/36/16/Add.1; see also A/HRC/36/2, chap. VI.

V. President's statement

PRST 36/1. Reports of the Advisory Committee

At the 42nd meeting, held on 29 September 2017, the President of the Human Rights Council made the following statement:

"The Human Rights Council, recalling its resolutions 5/1 of 8 June 2007 and 16/21 of 25 March 2011, in particular section III of the annexes thereto, including on the functions of the Advisory Committee, takes note of the reports of the Advisory Committee on its eighteenth and nineteenth sessions,[92] and notes that the Advisory Committee has made a research proposal."

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[92] A/HRC/AC/18/2 and A/HRC/AC/19/2.